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Hearings 1963.

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**ROYAL COMMISSION**

ON

16  
**PILOTAGE**

**HEARINGS**

HELD AT

**VANCOUVER**

**B. C.**

VOLUME No.:

6-9

DATE:

MARCH

13

1963

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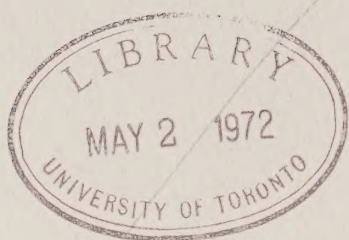
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
in the Federal Building,  
Vancouver, British Columbia, on  
Wednesday, the 13th day of March,  
1963

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COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

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Mr. Gilbert W. Nadeau	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques, Q. C.

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Mr. Leopold Langlois, Q. C., for the Canadian  
Merchant Service Guild, Inc.

Mr. J. I. Bird, Q. C., for Vancouver Chamber  
of Shipping and Aluminum Company of  
Canada.

Also Present:

Capt. F. S. Slocombe, Department of Transport  
and Liaison Officer.

Capt. J. S. Scott, Technical Advisor to  
Commission.

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1 ---ON RESUMING at 10:00 a.m., March 13, 1963

2

3 WALTER ALLAN GOSSE, (cont'd)

4 THE SECRETARY: Captain Gosse, you are  
5 still under the same oath.

6 THE WITNESS: Yes.

7 CROSS-EXAMINATION BY MR. JACQUES: (Cont'd)

8 Q. Before we pass on to another point,  
9 I should like to know whether the arrangements which  
10 have been made for pilots to go down to California  
11 and board ship there and come up with the ship to  
12 British Columbia have been done with the approval of  
13 the Superintendent?

14 A. Yes.

15 Q. They have?

16 A. Yes.

17 Q. He was fully aware of the negotia-  
18 tions and terms of reference?

19 A. Well, I think I made the first  
20 agreement, and it was made in the Superintendent's office.

21 Q. To come back to Seymour Narrows,  
22 I see that the velocities are very high in that area.  
23 Could you tell the Commission whether there is any  
24 alternative route if a ship has not sufficient speed to  
25 go through Seymour Narrows, or do they just wait for  
26 the tide to slacken?

27 A. Unless they want to go outside  
28 of Vancouver Island, go up outside Vancouver Island  
29 as an alternative route. But we usually wait for slack  
30 water at Seymour Narrows.







1 Q. Now, sir, on Page 24 of your brief,  
2 Paragraph 3, you refer to a heavy concentration of  
3 fishing boats, and you quote a figure of 5,000 of these  
4 boats which would be in an area where ships go through.  
5 Could you tell the Commission during what month does  
6 this concentration occur?

7 A. Well, mostly in July and August.

8 Q. July and August?

9 A. And sometimes later than that. It  
10 depends how long the fishing season lasts.

11 Q. It is not a twelve-month problem?

12 A. Well, you have them up in the  
13 northern channels.

14 Q. Would you please show on the chart  
15 what you mean by northern channels? I show you Exhibit  
16 61?

17 A. Well, you can have them practically  
18 all the way up, anywhere up to Prince Rupert in the  
19 channels. But up at the top here --

20 Q. When you say at the top here,  
21 what do you mean?

22 A. The top end of Vancouver Island,  
23 the north-east end of Vancouver Island; and above there  
24 and across Queen Charlotte Sound. But the biggest con-  
25 centration, of course, is up off the Fraser River.

26 Q. Off the Fraser River?

27 A. Yes, right across the Gulf of  
28 Georgia, anywhere from Active Pass right up to Bowen  
29 Island.

30 Q. It is a seasonal problem there?





1 A. Yes.

2 Q. To your knowledge, could you  
3 tell the Commission whether there have been any accidents  
4 to these fishing boats with vessels piloted by your  
5 group?

6 A. Our group? Well, I don't recall  
7 whether they have hit the fishing boats, but surely some  
8 of them cut nets.

9 Q. Cut nets?

10 A. Yes.

11 Q. Have any complaints been made,  
12 say, to the Department of Transport concerning these  
13 fishing boats?

14 A. Yes. As a matter of fact, they  
15 tried to set up channels through these fishing boats.  
16 As a matter of fact, they did set a channel through  
17 these fishing boats, but the trouble is nobody wanted  
18 to patrol it.

19 Q. What do you mean by a channel  
20 through the fishing boats?

21 A. Well, they took a passageway  
22 through a mile wide and they said the fishing boats  
23 are not to go in this area.

24 Q. Who said that?

25 A. Well, I think it was arranged  
26 between the shipping and the fishing industry, and I  
27 don't know who was in it. An arrangement was made  
28 that they make the channel, and the channel was defined  
29 in a little chart, but when it wasn't patrolled it just  
30 ceased.







1 Q. How long ago was that?

2 A. The first I heard of it, I think,  
3 was about five or six years ago.

4 Q. And it didn't work out?

5 A. Well, it hasn't worked out. It  
6 can't work out unless it is properly patrolled.

7 Q. Now, sir, Page 25, Paragraph 6,  
8 of your brief, which reads as follows:

9 "While most of the shoreline of this  
10 District is steep to there are many low points with  
11 outlying dangers extending into the channel.

12 Would you care to explain what outlying  
13 dangers exist in the channel?

14 A. Well, the reefs off the shore.

15 Q. Shoal water?

16 A. Reefs, some of them below water,  
17 some of them above water.

18 Q. Now, a statement in Paragraph 3  
19 on Page 26 puzzles me. It reads as follows:

20 "The Harbour Board's operating income  
21 for this year..."-- which I take it to be 1962?

22 A. Yes.

23 Q. "...was \$4,000.000.00, with private  
24 enterprise dock Operators Income this would have to be  
25 doubled making it approximately \$8,000.000.00."

26 Would you care to explain that statement,  
27 please?

28 A. Well, I was given to understand --  
29 as a matter of fact, we submitted to the Commission a  
30 Harbour Board Pamphlet, National Harbour Board Pamphlet,







1 and if you read that, I think it says that the Harbour  
2 Board earnings for that year were \$4,000.000.00, but if  
3 you take the private docks you would have to double this.

4 Q. I see. I understand what you mean.

5 Page 27, as regards the port of Vancouver,  
6 Paragraph 9, you refer to tidal swirls. Would you  
7 explain to the Commission how these swirls affect the  
8 navigation of the vessel, whether they are major or minor  
9 swirls, whether any accidents have been caused by these  
10 swirls?

11 A. This is in the port of Vancouver?

12 Q. Yes, Page 27 of your brief, Par-  
13 agraph 9?

14 A. Well, what I am referring to there  
15 is if you are going out of Vancouver Harbour with the  
16 tide or coming in against the tide, when you get to  
17 Prospect Point, if you have to go slow, if you can't  
18 keep your ship going, you can't stem the tide, it can  
19 put you on the shore.

20 Q. Would that be an event which  
21 takes place rapidly or do you have a warning of that?

22 A. Well, the pilots all know that  
23 these are there and they look for them and try to get  
24 the ships in the position where she stems the tide.

25 Q. To your knowledge have there been  
26 any accidents owing to swirl at the First Narrows?

27 A. Well, there have been collisions  
28 caused by the swirl; one ship would be set up across  
29 the channel.

30 Q. How long ago was that?





1 A. There have been several occasions  
2 through the years. The last one I know was between a  
3 C.P.R. boat, I think it was a C.P.R. boat and a Union  
4 boat.

5 Q. Was that last year?

6 MR. BIRD: I think, my lord, the witness  
7 is referring to a collision between Princess Elaine  
8 and the Alaska Prince which occurred in 1960.

9 THE WITNESS: There was another collision  
10 which might have been caused by the tide, and that was a  
11 collision between two loaded freighters going out, and  
12 that was, I think, about five or six years ago.

13 Q. Now, sir, I have just been looking  
14 at the pamphlet entitled "Safe Fishing and Navigation,  
15 1960". Would you look at it and tell me whether this  
16 was the agreement to which you referred a moment ago as  
17 regards the fishing boats?

18 A. Yes, that is right. That is the  
19 channel there.

20 MR. JACQUES: I wonder if the other  
21 solicitors would object to this document being filed by  
22 Captain Gosse?

23 MR. BIRD: No objection.

24 THE SECRETARY: Exhibit 89.

25 Q. Would you file this as Exhibit  
26 89, Captain Gosse, "Safe Fishing and Navigation, 1960"?

27 A. With the understandint that these  
28 fishing channels are not kept like that.

29 Q. Of course.

30







1 A. On Page 4, I see they have Johnstone  
2 Strait and Queen Charlotte Sound. They have channels  
3 through there, which are other ones which are not kept.

4 Q. Again within the port of Vancouver,  
5 Paragraph 10, Page 28, concerning the wind, you state  
6 that winds have at times caused vessels to drag out of  
7 position when they were at anchor. Is that a regular  
8 occurrence or is that something out of the ordinary?

9 A. Oh, once or twice a year that  
10 happens.

11 Q. Once or twice a year?

12 A. Yes.

13 Q. Now, Page 29, Paragraph 12, you  
14 referred to the use of anchors to berth vessels. Would  
15 you explain briefly what you mean by that to the  
16 Commission?

17 A. Well, we use the anchor, we dredge  
18 the anchor in. If there is any tide, we use the anchor,  
19 drop the anchor and dredge it in.

20 Q. Explain what you mean by dredging  
21 the anchor?

22 A. Well, we put the anchor out probably  
23 15 shackles under water and then it is on the bottom and  
24 we steam ahead and go into the berth.

25 Q. So it is touching the ground?

26 A. It is a little more than touching  
27 the ground. But it gives a little more to push against.

28 MR. LANGLOIS: Did I hear you say shackles?

29 THE WITNESS: Fifteen fathoms.

30 Q. What effect does that have on the





1 manoeuvring of the ship?

2 A. It helps manoeuvring the ship  
3 because it stops you getting too much way when you  
4 kick ahead to steer.

5 Q. You used the expression "shackles".  
6 Would you care to say how many fathoms in a shackle?

7 A. That is where I got mixed up.  
8 There are 15 fathoms to a shackle.

9 MR. JACQUES: A shackle is a unit of  
10 measurement of anchor cable. Each one is made fast to  
11 the other one with a shackle.

12 Q. On Page 30, port of Vancouver,  
13 Paragraph 4, referring to berths, you say they are  
14 semi-protected. Would you, using the chart of Victoria  
15 Harbour, explain that, please? I show you Exhibit  
16 68, being the chart for Esquimalt and Victoria Harbours  
17 and Approaches. Now, referring to your brief, you claim  
18 that berths in Victoria are semi-protected. Would you  
19 care to indicate which berths you refer to?

20 A. Ogden Point docks.

21 Q. And the breakwater to which you  
22 refer in your brief is shown on the chart off Victoria  
23 and south of Ogden Point wharfs?

24 A. Yes.

25 Q. And again in Paragraph 5 of your  
26 brief, Page 30, you refer to tidal conditions setting  
27 across the entrance to these berths. Would you care  
28 to tell the Commission what would be the direction and  
29 rate of the current and whether the current flows regularly  
30 in the same direction and at the same rate across the







1 harbour?

2 A. Well, the tide in the harbour  
3 here seems to hit this point and swirls around.

4 Q. When you refer to this point,  
5 which point would that be?

6 A. It is McCauley Point.

7 Q. And I see you indicate there  
8 a south-easterly direction towards McCauley Point?

9 A. At certain stages. At other  
10 stages of the tide it will hit the breakwater and come  
11 the other way. As a matter of fact, it comes in from  
12 south-west.

13 Q. What type of vessels use Victoria,  
14 Esquimalt Harbours most frequently, vessels using pilots?

15 A. Well, in Victoria we have the  
16 lumber ships and also some grain ships. The lumber ships  
17 can be any type.

18 Q. Are they the same size and draught?

19 A. The same size. As a matter of  
20 fact, lumber ships on this coast make about four or  
21 five ports before they are loaded. They go round the  
22 coast. But Esquimalt Harbour, most of the ships going  
23 in there are going to dry dock, any kind of a craft.

24 Q. You refer to tankers of about  
25 85,000 tons?

26 A. Yes.

27 Q. Do you get many of these tankers  
28 in Victoria?

29 A. Well, you are getting quite  
30 a few, because there is no other dry dock. I think they





1 are getting one at Bremerton, but previous to that there  
2 was no other dry dock could take them.

3 Q. How many could they take in a  
4 year?

5 A. The Victoria Pilots handle  
6 them. I just couldn't say how many.

7 Q. Coming to Nanaimo, Page 32, you  
8 raise the problem concerning the range lights which you  
9 use in the approach to the harbour, and you mention that  
10 these lights are obscured four times daily by the M.V.  
11 PRINCESS OF VANCOUVER. Does that affect your work very  
12 much?

13 A. Well, it could do, but it doesn't  
14 do too much, if the pilot knows it. What that was put  
15 in there for was if a stranger was coming up there and  
16 couldn't see the lights and a boat was in berth, what  
17 could he do about it?

18 Q. As regards pilots, has it ever  
19 happened that a ship couldn't go in because the PRINCESS  
20 OF VANCOUVER was there?

21 A. That is what I am telling you;  
22 the pilots take them in.

23 Q. Has any complaint been made to  
24 C.P.R. on this question?

25 A. No, because we are not too much  
26 concerned.

27 Q. Page 33, Paragraph 8, again in  
28 Nanaimo, I read the following sentence: "The new berth  
29 (1958) has an open deck and must be serviced by Ross  
30 carriers and ships gear."







1                   Would you explain what you mean by open  
2 deck berth and Ross carriers?

3                   A.     Well, there is no shed on it; just  
4 a flat dock, and the Ross carrier is a lumber carrier that  
5 goes over the top of a pile of lumber and picks it up  
6 and takes it over the ship's decks.

7                   Q.     It is like a crane?

8                   A.     Like a truck raised off the ground  
9 high enough to go over the top of the pile of lumber.

10                  MR. LANGLOIS: Lift trucks?

11                  THE WITNESS: Yes.

12                  Q.     Paragraph 10 of Page 34, referring  
13 to Nanaimo, I quote:

14                         "Tide at the present dock is not a  
15 considerable factor but may well be when the new berths  
16 are in use. (This could be especially evidence in regard  
17 to current)"

18                         Could you tell us whether this problem  
19 of effect on new berths or wharves of current has been  
20 dealt with by your group in Nanaimo?

21                   A.     We are not expecting to get  
22 any too severe change in the tide, but any tide makes  
23 a problem. The trouble is in there you have to have  
24 at least as little way on the ship as you possibly can,  
25 and they do have time to set. The current does affect  
26 it. You are not going through with any speed, so  
27 naturally with the time element the ship would set either  
28 one way or the other.

29                   Q.     Now, the pilots assigned to  
30 Nanaimo, do they live there with their families?





1 A. I imagine so, if any.

2 Q. Are the other pilots based at  
3 Victoria?

4 A. Yes.

5 Q. They live there?

6 A. Yes. When we say "based", that  
7 is where their residence is. That is where they are  
8 resident.

9 Q. Page 39, Kitimat, sir, Paragraph  
10 2, and I quote:

11 "Recent information from the Aluminum  
12 Company states that the approach channel has silted up  
13 to a depth of 24 feet."

14 To your knowledge does the Aluminum  
15 Company carry surveys or does sounding on this channel  
16 regularly?

17 A. Well, I think the Superintendent  
18 has a letter from the Aluminum Company to give us that  
19 depth of water. How they ascertain it, I don't know,  
20 but we have to go by their information. Their dock there,  
21 it is a privately owned dock, and all we go by is what  
22 they give us.

23 Q. Would this silting up be a major  
24 problem to you in your job?

25 A. If you get a 30 foot boat, drawing  
26 30 feet of water and you try to go over a 20 foot patch.

27 Q. If the average ship is, let us  
28 say, 20 feet, it may not be a serious problem?

29 A. It is a problem because you have  
30 to figure out when you can get in there. If you are







1 coming up with the ship and you can't get in there, then  
2 you have got to stand off and wait until the tide does  
3 rise to let you in.

4 COMMISSIONER SMITH: Could I ask a  
5 question?

6 MR. JACQUES: Yes, sir.

7 COMMISSIONER SMITH: Captain, this  
8 channel, that is a main channel, is it?

9 THE WITNESS: No, this is just a channel  
10 dredged in where the dock was built. It is dredged  
11 into the flats at the head of the bay.

12 COMMISSIONER SMITH: It would not be  
13 an obligation of the Department of Public Works?

14 THE WITNESS: No, it is their own  
15 private set-up.

16 Q. What is the average draught of  
17 vessels you take up to Kitimat?

18 A. Twenty-seven -- well, loaded, they  
19 are twenty-seven to thirty-one feet.

20 Q. Now, Paragraphs 4 and 5 on the  
21 same page, you refer to tide and wind interfering with  
22 docking and undocking at Kitimat. Would you tell us  
23 whether it is a regular occurrence or whether it is just  
24 something that may happen once in a while?

25 A. No, pretty often, wind and rain  
26 and sleet up there. You get it very often, especially  
27 in the fall of the year and in the spring of the year,  
28 and in the summer you get quite a lot of winds blowing  
29 down the harbour. It is quite a regular thing to have  
30 wind.





1 Q. Now, sir, on Page 40, Paragraph 11,  
2 Sub-Paragraph (a), which I quote:

3 "The pilots realize that a pilot when  
4 tired is subject to mental fatigue and not as alert as  
5 he is required to be".

6 To your knowledge has any accident ever  
7 occurred because a pilot suffered mental fatigue?

8 A. Well, we did have an accident.  
9 I don't want to mention the name if I don't have to.

10 Q. No names, please?

11 A. I think the pilot was fatigued  
12 because he had just done two or three night jobs hand-  
13 running to Victoria, and I know very well the man knew  
14 what he was -- knew the run so well he should never have  
15 been there, but eventually he got there. How he got  
16 there, I think it was just mental fatigue. That is my  
17 opinion.

18 Q. Grounding?

19 A. Yes.

20 Q. Any severe damage done?

21 A. Quite bad, yes.

22 Q. Now, Page 47, Paragraph 6, which  
23 I read:

24 "All Canadian coastal vessels are  
25 exempt from payment of dues anywhere in British Columbia  
26 waters, also any American vessel plying between Puget  
27 Sound and Alaska via the inside passage and not calling  
28 at any British Columbia port have been exempted from  
29 payment by commitment."

30 To what commitment do you refer?







1 A. Well, when we were working on the  
2 compulsory payment of pilotage by-law, we were asked  
3 if we intended to charge the American ships going through,  
4 going up through the coast from Puget Sound to Alaska,  
5 if we were considering charging them pilotage, and we  
6 were a little concerned about this because we figured  
7 that maybe if we charged them pilotage we would not get  
8 their compulsory payment of pilotage. So we decided that  
9 as Canadian boats go down to Puget Sound it may be a  
10 good idea to exempt the American ships, providing they  
11 do not call at ports, so they are exempt by commitment  
12 only.

13 According to the Canada Shipping Act,  
14 they are not exempt.

15 Q. I realize that; that is why I  
16 am asking you about the commitment. By whom were these  
17 arrangements made or through whom were these arrangements  
18 made?

19 A. Which arrangement, the commitment?

20 Q. Yes?

21 A. The commitment was drawn up in  
22 Vancouver here. The Director of Marine Services asked  
23 us to make the commitment out, and I think a copy  
24 was given to the Chamber of Shipping, and I think  
25 another copy filed in the Department. It was signed  
26 by the Committee of the Pilots.

27 Q. By the Pilots' Committee?

28 A. Yes.

29 Q. Would the Department of Transport  
30 intervene in this commitment?





1 A. Intervene?

2 Q. Did they have anything to do with  
3 it?

4 A. No, but they asked us to give a  
5 commitment on it. I don't know whether it was them who  
6 asked us, or the Shipping, but it was asked that we give  
7 this commitment, and we had to wire Vancouver and get  
8 the committee men in Vancouver to sign the commitment  
9 and send it back to us to sign.

10 Q. Would you have a copy of this  
11 commitment?

12 A. I have lost track of it. It is  
13 gone. I don't know whether the Superintendent has it.

14 Q. Would the Shipping people have it?

15 A. It is quite some time ago, and I  
16 think it has probably gone astray.

17 MR. BIRD: My information, my lord, the  
18 Chamber of Shipping was not involved in this matter at  
19 all, to our knowledge.

20 THE WITNESS: Should I speak on that?

21 Q. Well, you may, yes.

22 A. When we discussed this with  
23 the Chamber of Shipping --

24 Q. When you say "we", you mean the  
25 Pilots' Committee?

26 A. When the Pilots' Committee dis-  
27 cussed it with the Chamber of Shipping, they asked us  
28 for this commitment, and also they asked us to exempt  
29 private yachts, which we did.

30 Q. That appears in the by-laws?







1 MR. LANGLOIS: Could I suggest to my  
2 learned friend, Mr. Jacques, to try to get this from the  
3 Superintendent of Pilotage.

4 MR. JACQUES: He advised me he has not  
5 got it.

6 MR. LANGLOIS: Could inquiries be made  
7 if it is in Ottawa?

8 MR. JACQUES: We certainly will inquire  
9 in the Department, and I would appreciate it if you would  
10 inquire?

11 MR. LANGLOIS: We will.

12 THE WITNESS: I don't know whether this  
13 was filed with the Department as much as it was the  
14 Chamber of Shipping was the one that wanted this commitment.  
15 Not the Department.

16 MR. BIRD: Can I ask the witness one  
17 or two questions?

18 MR. JACQUES: Surely.

19 MR. BIRD: You referred on occasion to  
20 the Vancouver Chamber of Shipping. That is the Vancouver  
21 Chamber of Shipping you are referring to?

22 THE WITNESS: Yes.

23 MR. BIRD: Could you tell me when this  
24 commitment may have been made that you have been talking  
25 about?

26 THE WITNESS: It was made the year that  
27 the compulsory payment of pilotage came in.

28 MR. BIRD: That is some thirty years  
29 ago.

30 MR. JACQUES: I am advised it may have





1 been around 1949.

2 MR. BIRD: 1948? 1948, 1949?

3 THE WITNESS: That is right.

4 MR. BIRD: And you think the Chamber of  
5 Shipping was concerned in it in some way?

6 THE WITNESS: Well, as a matter of fact,  
7 I was one of the Committee men when we talked about this  
8 compulsory payment of pilotage.

9 MR. BIRD: Who did you talk to?

10 THE WITNESS: Chamber of Shipping.

11 MR. BIRD: Who?

12 THE WITNESS: Well, as a matter of fact,  
13 I think the best thing --

14 MR. BIRD: This will assist me. I have  
15 no knowledge of this, and neither have my clients at  
16 the moment.

17 THE WITNESS: Well, I know because the  
18 Chamber of Shipping officials have changed now. I have  
19 a letter here somewhere on this. I will have to find  
20 it. Here it is.

21 MR. BIRD: My lord, I rather think  
22 Captain Gosse may not be quite correct on his dates. My  
23 clients have the impression that there may have been some  
24 discussion in the early 1930's.

25 THE WITNESS: 1930?

26 MR. BIRD: If that is any assistance.

27 THE WITNESS: No, in 1929 the district  
28 was formed, and there was no compulsory payment of  
29 pilotage. I have all the data here.

30 MR. LANGLOIS: Could I suggest that this







1 correspondence is quite voluminous. We will leave this  
2 matter in abeyance, and after the recess probably we could  
3 take it up again.

4 THE CHAIRMAN: All right.

5 MR. JACQUES: Fair enough.

6 THE WITNESS: Do you want the date of  
7 the correspondence?

8 MR. BIRD: If you have the date of  
9 the correspondence, I won't pursue it. I will discuss  
10 it later.

11 MR. LANGLOIS: November 24, 1948.

12 MR. BIRD: Thank you.

13  
14 BY MR. JACQUES:

15 Q. Now, sir, on Page 51 of your brief,  
16 Paragraph 5, which I quote:

17 "To relieve our work load the pilots  
18 require a minimum of seven men to be added to the roster  
19 and an increase in rates to offset a resulting decrease  
20 in the individual net earnings of the pilots".

21 How have you arrived at this figure of  
22 seven men?

23 A. Well, that is what we think will  
24 help. We really require more than that, but we are  
25 always worried about taking too many on, so we figure  
26 if we take seven on and probably put three in Victoria  
27 and four in Vancouver it will relieve it to some extent.

28 Q. Has any figure been obtained on  
29 that, on the number of assignments which these men would  
30 do and would take away from the others, and therefore





1 give the others more time off?

2 A. We know through practice just  
3 about what it will be, and that is very little.

4 Q. In other words, the word seven is  
5 a good guess?

6 A. Seven is a very good -- it is the  
7 least we need.

8 Q. But the figure seven is a good  
9 guess?

10 A. It is more than a guess. It has  
11 been figured before and it has been figured again. By  
12 rights to make pilotage in this district with proper  
13 leave and rest periods, I think we would need about  
14 twenty-five, but we are a little bit leery about taking  
15 on twenty-five.

16 Q. Why not? Could you have said  
17 five or ten men? Why seven?

18 A. Because even with seven you only  
19 get the use of about five on account of the leave time.

20 Q. Now on Page 54 of your brief at  
21 the very bottom of Paragraph 5, I read the following  
22 sentence:

23 "One of their greatest obstacles is  
24 the attitude of some of the Department of Transport  
25 officials who always seem suspicious and who always  
26 question any recommendations put forward by the pilots  
27 for improvement of our operation."

28 Now I ask you, sir, what recommendations  
29 were made and were looked at with suspicion by the  
30 Department of Transport?







1 A. Well, most of our recommendations,  
2 if we are looking for a new by-law to be put in or  
3 change the wording of the by-law, most of them are looked  
4 on with suspicion.

5 Q. Are these recommendations made  
6 verbally or in writing?

7 A. It depends where they are made.  
8 If they are made to Ottawa, they are usually in writing.

9 Q. Do you have a record of the  
10 recommendations which you have made during the past five  
11 years?

12 A. All the recommendations?

13 Q. Yes?

14 A. No.

15 Q. Well, if they were made in writing,  
16 what happened to the copies of the letters which surely  
17 you must have kept in your files?

18 A. They probably would be filed in  
19 the Department at Ottawa, because they are addressed  
20 to the Minister of Transport, but the trouble is that  
21 a lot of the requests we made were not granted, and the  
22 letters, well, they may be laying in a drawer up there.

23 Q. Would you give a few examples  
24 to the Commission of requests which the pilots have  
25 made and which have been turned down?

26 A. Well, for one thing we requested  
27 about eight years ago -- I couldn't carry all my files,  
28 I would have to have a truck to bring it all up here,  
29 but I can find some of these things. I noticed yesterday  
30 we had a request for three pilot boats for this District,





1 and the request was that they build three suitable pilot  
2 boats for this District, which could be used for search  
3 and rescue besides pilotage. This request went in, I  
4 think about 1958, probably before. It has been repeated  
5 ever since. We have been asking for boats. But these  
6 are not the ones they are suspicious of.

7 Q. Why do you say they are suspicious?

8 A. Because the moment we say this is  
9 not right, it should be worded this way, they think we  
10 are trying to work it so that we will get more revenue,  
11 and they won't change it, because they say we are not  
12 going to let you get any more revenue.

13 Q. Now sir, tell me in your own  
14 opinion whether you consider that you earn your money,  
15 or pay, from each ship that you pilot, or from a pool?  
16 What do you consider? Do you consider that when you go  
17 out to a ship you are making money there, and this money  
18 is yours?

19 A. No, our money is -- when we take  
20 a ship to sea the ship pays the dues. We can't collect  
21 them. Half the time we don't even know what they are.  
22 We just put the tonnage and draught down, and the mileage,  
23 and turn the cards in, and we don't see the money.  
24 It is collected by the Department of Transport people  
25 in a pool, and the pool is split by the Department of  
26 Transport at the end of the month. We don't know how much  
27 is in the pool, and we get our cheques from there.

28 Q. So would it be fair to say that  
29 you might consider that you get your money, not strictly  
30 from every ship that you pilot, but from a pool?





1 A. That is right.

2 Q. Your pay comes from this pool,  
3 regardless of the number of jobs that you do?

4 A. Our pay comes from the pool? Who  
5 owns the pool to pay us from?

6 Q. I don't know. That is the question  
7 we would like answered?

8 A. As a matter of fact it is not pay  
9 anyhow, it is earnings that come from the pool.

10 Q. Sir, I have been given a small  
11 folder which apparently was printed by the pilots?

12 A. This is not a legal document.

13 Q. It is called B. C. Coast Pilots,  
14 licensed pilots, and it gives names and telephone numbers  
15 of the pilots, and a distance table, and also some  
16 regulations concerning the E.T.A.'s and boardings of ships.

17 Would you look at this document and  
18 rules, and tell me whether these rules have been made by  
19 the pilots themselves?

20 A. This is just information to masters.  
21 If they don't want to abide by it they don't have to.

22 Q. But who drafted that?

23 A. This was drafted up by one of  
24 our pilots.

25 Q. By one of your pilots?

26 A. And probably corrected since.

27 Q. But it gives information, practical  
28 information?

29 A. To the masters.

30 Q. To the masters as regards boarding







1 of pilots?

2 A. That is right.

3 MR. JACQUES: Would you file this as  
4 an exhibit?

5 THE SECRETARY: Exhibit No. 90.

6  
7 ---EXHIBIT NO. 90: B. C. Coast Pilots calling card  
8 and information as to E.T.A.'s  
9 and distances.

10 THE WITNESS: It is just the pilot's  
11 calling card.

12 Q. How would you call it?

13 A. It is information as to E.T.A.'s.  
14 It is really a calling card. In other words, we leave  
15 this aboard the ships because the captains want the  
16 distance table inside, and they also want the information  
17 that is on the back, but it gives all the pilots'  
18 names. As a matter of fact, the ~~as~~supercargoes and  
19 shipping agents are all given these things.

20 Q. Sir, under the Quarantine Regula-  
21 tions made by Order in Council of December 8, 1954, P.C.  
22 54-1914, Section 70, Paragraph 1, which reads as follows:

23 "Every pilot who fails to provide  
24 the master of a vessel with a copy of these Regulations  
25 in accordance with Section 7 is liable to a penalty not  
26 exceeding \$50.00.

27 (2) Every pilot who knowingly contributes  
28 to or is responsible for a violation of these Regulations  
29 by the master or other officer of a vessel on which he  
30 is engaged is liable to a penalty not exceeding \$400.00".

Now, this is a little yellow booklet.





1 Do you carry this with you?

2 A. Yes.

3 Q. Do you give that to the master?

4 A. Yes, most of the pilots have them.

5 There is another restriction that we have, that we have  
6 to supply these things on penalty of a fine.

7 Q. Yes, have you ever been fined?

8 A. One of our pilots, we had to talk  
9 pretty fast to get him out of a fine for not abiding  
10 by that Regulation.

11 Q. Are you referring to Paragraph 1,  
12 which says: "Failure to provide the master---"?

13 A. Yes. That is the worst one, be-  
14 cause sometimes they can't even provide us with these  
15 books.

16 Q. But the pilot was fined because  
17 he failed to provide the master with the booklet?

18 A. He was not fined, because we talked  
19 the doctor out of it.

20 Q. But to your knowledge has a pilot  
21 ever been fined for contributing to a violation of these  
22 Regulations?

23 A. No, but the restriction is there.

24 Q. I realize that, but I just want  
25 to know to your knowledge --

26 A. No, we haven't had any.

27 THE SECRETARY: That will be exhibit  
28 number 91, Quarantine Regulations.

29 ---EXHIBIT NO. 91: Quarantine Regulations.  
30







1 Q. Now sir, one last question. Who  
2 negotiates with the shipping people for increases or  
3 changes in rates?

4 A. Well, it is usually done through  
5 the Pilots' Committee. We ask the Superintendent if we  
6 may have a meeting with the Chamber of Shipping, and it  
7 is arranged that way. Most of the time the Superintendent  
8 acts as the Chairman. If he is not there we have  
9 some other Chairman.

10 Q. Are minutes kept of these meetings?

11 A. By the Chamber of Shipping, I  
12 think, but by the pilots, we have not got a Secretary  
13 there, and we can't keep any minutes.

14 Q. Do you exchange correspondence  
15 with the Chamber of Shipping?

16 A. Yes. The last time we had a  
17 change in rates there was quite a lot of correspondence,  
18 and we got together and checked over the correspondence  
19 after it was sent back from Ottawa again. We checked it  
20 over and set it right and sent it back.

21 Q. Now I would ask you to file the  
22 correspondence exchanged between all parties interested,  
23 the Department of Transport, the Chamber of Shipping, and  
24 any other party, concerning modifications in rates.  
25 Would you have a file on that?

26 A. No sir.

27 Q. Well, surely you must have some  
28 documents which you could file?

29 A. I can probably find the last ones.

30 MR. JACQUES: Mr. Langlois, could you go





1 through your client's file, and file with their permission  
2 correspondence exchanged between the D.O.T., the Pilots,  
3 and the Vancouver Chamber of Shipping concerning modifica-  
4 tions in rates?

5 MR. LANGLOIS: For what period?

6 MR. JACQUES: For the last five years.

7 THE WITNESS: It will take us a year to  
8 do it.

9 MR. JACQUES: Well, all right. Take a  
10 year to do it if it is necessary.

11 THE WITNESS: I don't think it is necessary.

12 MR. JACQUES: We will judge that.

13 MR. LANGLOIS: Well, if this is possible.  
14 I don't know how much is involved.

15 THE CHAIRMAN: You will be together for  
16 some time yet, so you will get together and see how  
17 much work it is.

18 MR. JACQUES: And then, under reserve,  
19 to find out what is in the file first.

20 Q. Now sir, I understand that some  
21 years ago there was a reduction in rate. Is that correct?

22 A. Yes.

23 Q. Would you have any correspondence,  
24 or any memoranda, concerning this reduction in rate?

25 A. I have now a little bit better  
26 data on the raises and the reductions.

27 Q. No, but I am talking about con-  
28 temporary documents, or letters, which were exchanged  
29 at the moment, or complaints lodged with either the  
30 Vancouver Chamber of Shipping, or the Department of





1 Transport?

2 A. Correspondence relating to this  
3 reduction?

4 Q. Yes. I imagine that this reduction  
5 didn't take place without any protest from the pilots?

6 A. It certainly didn't, but most of  
7 our protests are filed with the Department, not with the  
8 Chamber of Shipping.

9 Q. Would that be in the same corres-  
10 pondence file as the one relating to the negotiation of  
11 increases, or modifications in rates? Perhaps your  
12 counsel would by the same occasion look through their  
13 files to see what they can find on that?

14 A. We naturally opposed the re-  
15 duction, because as a matter of fact we had quite a  
16 long, lengthy discussion over this thing, because the  
17 Department told us when they changed over the rates  
18 we were told by some of the officials of the Department  
19 that in this changeover that the pilots would not lose  
20 anything, and if anything they would gain. After a year  
21 and a half trial of this changeover of rates they --  
22 the statistician figured it out, anyway we don't know  
23 where they got this, it could have been an increase in  
24 the detention, but they came up with the figure 3.8 per  
25 cent increase. So immediately the Chamber of Shipping  
26 said "You have to take that off, because these pilots  
27 were not supposed to get an increase". I think one of  
28 the reasons that the Chamber of Shipping were so  
29 emphatic about taking this 3.8 per cent off was because  
30 our earnings were given out as in excess of what they







1 were to all concerned, even to the newspapers.

2 MR. JACQUES: That is all my lord.

3 MR. LANGLOIS: My lord, may I suggest  
4 that we recess now, because I have a few things to discuss  
5 with my client before we proceed?

6 THE CHAIRMAN: So we will recess until  
7 you are ready.

8

9 ---A short recess.

10 MR. LANGLOIS: My lord, before I proceed  
11 with the witness, I have been through the correspondence  
12 exchanged with the Department of Transport and the Chamber  
13 of Shipping in regard to the payment of compulsory  
14 pilotage dues for ships, for American ships going through  
15 the pilotage waters before entering ports of the District,  
16 and I find, sir, that the only correspondence we have  
17 on our file are photo-copies of the following letters.  
18 A letter dated Vancouver, November 24, 1948, addressed  
19 to H. V. Anderson, Director of Marine Services, Department  
20 of Transport, Ottawa. The letter was signed by J. W.  
21 Kerr, Supervisor of Nautical Services. A second letter  
22 dated Vancouver, June 29, 1948, and addressed to Captain  
23 Claxton, Superintendent of Pilots, Federal Building,  
24 Vancouver, British Columbia, by the Vancouver Chamber  
25 of Shipping, and the letter is signed by what I make out  
26 to be H. W. Cameron, Secretary. A third letter dated  
27 June 29 from Vancouver, also 1948, addressed to Norman  
28 Wilson, Acting Director of Marine Services, Department  
29 of Transport, Ottawa, by the Vancouver Chamber of  
30 Shipping. This letter again is signed by H. W. Cameron,





1 Secretary. Fourth, there is a letter dated December 18,  
2 1948, addressed to J. C. La Salle, Deputy Minister of  
3 Transport, Ottawa, by the Vancouver Chamber of Shipping,  
4 and again signed by Mr. Cameron.

5 These are only, as I said, photo-copies,  
6 and I think it would be better to reproduce them on the  
7 photocopy machine, and I have no objection to my learned  
8 friends having a look at these. I would like to file  
9 them, but they could be obtained from the Department in  
10 Ottawa.

11 THE CHAIRMAN: We could send them to  
12 our staff, have a copy made of them and then send them  
13 back to you.

14 MR. JACQUES: My lord, I am also advised  
15 by the departmental liaison officer that all this  
16 correspondence is available in Ottawa on their files,  
17 so I would waive the request and have them filed here  
18 by the pilots, please, and we could look at the files  
19 when we go back to Ottawa.

20 THE CHAIRMAN: That is all right.

21 MR. LANGLOIS: I have no objection to  
22 them being filed as an exhibit now, and I am ready to  
23 put them at the disposal of my learned friends.

24 MR. JACQUES: It may be useful for this  
25 morning's hearing to have them available now.

26 THE CHAIRMAN: So you will see that they  
27 are filed in Ottawa by the Department, Mr. Jacques?

28 MR. JACQUES: Yes, my lord.

29 THE SECRETARY: This will be Exhibit 92.

30 THE CHAIRMAN: We better give them a







1 number now, and you will see that certified copies are  
2 made by the Department in Ottawa and filed?

3 MR. JACQUES: Very well, my lord.

4 ---EXHIBIT NO. 92: Letter addressed to H. V. Anderson,  
5 Director of Marine Services, De-  
6 partment of Transport, Ottawa, dated  
7 November 24, 1948.

8 Letter addressed to Captain Claxton,  
9 Superintendent of Pilots, Federal  
10 Building, Vancouver, British  
11 Columbia, dated June 29, 1948.

12 Letter addressed to Norman Wilson,  
13 Acting Director of Marine Services,  
14 Department of Transport, Ottawa,  
15 dated June 29, 1948.

16 Letter addressed to J. C. LaSalle,  
17 Deputy Minister of Transport, Ottawa,  
18 dated December 18, 1948.

19 MR. LANGLOIS: My lord, yesterday my  
20 learned friend Mr. Jacques expressed the wish that the  
21 Pilots' Committee of the Vancouver District, British  
22 Columbia District, would file a copy of the application  
23 for incorporation of the District, of the pilots of the  
24 district, and I have here the following documentation  
25 in this respect. The first two letters are photo copies.  
26 I don't know if my learned friend would be satisfied  
27 with that. The first is a photo copy of a letter  
28 addressed to Messrs. Ray, Wolfe, Connell, Lightbody and R  
29 Reynolds, Barristers and Solicitors, Vancouver, by H.  
30 B. Parkinson, for Acting Director of Companies and Corpora-  
tion Branch, Department of Secretary of State, Ottawa,  
dated March 4, 1963 --

MR. JACQUES: I am sorry to interrupt  
you. I had also asked for the correspondence and memos





1 with reference to increases and decreases in pilotage  
2 rates and dues.

3 MR. LANGLOIS: That will come later on.

4 MR. JACQUES: Thank you.

5 THE CHAIRMAN: And as far as your photo-  
6 copies are concerned, if you would just certify them,  
7 that will be all right.

8 MR. JACQUES: Yes, my lord.

9 MR. LANGLOIS: I am going to file as  
10 Exhibit 93, together, a letter dated March 4, 1963, to  
11 Messrs, Ray, Wolfe, Connell, Lightbody and Reynolds,  
12 Barristers and Solicitors, from H. B. Parkinson, for Acting  
13 Director of Companies and Corporations Branch, Department  
14 of the Secretary of State, Ottawa. A letter dated  
15 March 8, 1963, addressed to Messrs. Ray, Wolfe, Connell,  
16 Lightbody and Reynolds, Barristers and Solicitors, Vancouver,  
17 by the same H. B. Parkinson, for Acting Director of Companies  
18 and Corporations Branch, Third, application for in-  
19 corporation of a company under The Companies Act. That  
20 copy of the application is signed by the members of the  
21 Pilotage Committee of the District. Fourth, memorandum of  
22 agreement. Fifth, general by-law No. 1, and this also  
23 bears the original signature of the applicants.

24 ---EXHIBIT NO. 93: Letter dated March 4, 1963 to  
25 Messrs. Ray, Wolfe, Connell,  
26 Lightbody and Reynolds, Barristers  
27 and Solicitors, from H. B.  
28 Parkinson, for Acting Director of  
Companies and Corporations Branch,  
Department of the Secretary of  
State, Ottawa.

29 Letter dated March 8, 1963 to  
30 Messrs. Ray, Wolfe, Connell,  
Lightbody and Reynolds, Barristers





and Solicitors, by H. B. Parkinson, for  
Acting Director of Companies and  
Corporations Branch.

Application for incorporation of  
a company under The Companies Act.

Memorandum of Agreement

General By-law No. 1, bearing original  
signature of applicants.

MR. LANGLOIS: Now, my lord, with your  
permission, I have a few questions to ask the witness  
for the purpose of clarification of some of the answers  
given in answer to questions by my two learned friends,  
and also some of my questions, with your permission, sir,  
will be in re-direct.

RE-DIRECT EXAMINATION BY MR. LANGLOIS:

Q. Captain Gosse, yesterday you listed  
the ports of your district in reply, in answer to questions  
by Mr. Jacques. This list of the ports which you gave  
and which appears on Page 2 of your brief, on the lower-  
left-hand corner of the reproduction of the chart of  
the ports of British Columbia, is that list complete,  
sir?

A. No, sir.

Q. Well, would you mind giving the  
Commission the ports which are missing on that list?

A. We also have Bear Point, which is  
an oil unloading berth. I think it is for the Power  
Commission. It is very close to Chemainus.

Q. What is the distance from the sea?

A. From the boarding station, about  
56 miles, I would say.







1 Q. This is on Vancouver Island?

2 A. On the east coast of Vancouver  
3 Island, Gulf port. We also have James Island. That is  
4 an explosive port. They also take raw products in there.  
5 It is from the boarding station off Victoria about 30  
6 miles. Then Bamberton, where they unload. That is a  
7 cement plant, and a gypsum boat goes in there and unloads  
8 gypsum. Also tankers go in; not very frequently, but  
9 they do.

10 Q. And the distance from the sea?

11 A. Distance from the sea would be  
12 about 45 miles.

13 Also we have a port, Port Simpson,  
14 above Prince Rupert, where they are going to load logs,  
15 and that will be another port. It is a log-loading berth,  
16 there are no docks. They are going to load from buoys  
17 at anchor.

18 Q. And the distance from sea?

19 A. Distance from sea would be, from  
20 Triple Island into there would be approximately 45 miles.

21 THE CHAIRMAN: It is north of Prince  
22 Rupert?

23 THE WITNESS: Yes, it is north of Prince  
24 Rupert.

25 Q. Is that all?

26 A. I may be leaving out one.

27 Q. What about Hatch Point?

28 A. Oh, Hatch Point, ore-loading dock.

29 That is close to Cowichan Bay. And we have ships go  
30 in there to load copper ore, concentrates. It would be





1 about 40, 42 miles from the boarding station.

2 Q. If I understood your testimony  
3 correctly yesterday, the same ship would frequently call  
4 at several of these ports during a single voyage. Is  
5 that a fact?

6 A. Most of the lumber ships come  
7 into British Columbia here, they make five to six, maybe  
8 seven ports before they are completed loading.

9 Q. What does happen in a case of this  
10 kind? Does the pilot remain on board the ship?

11 A. Not too often. The ship will load  
12 in Vancouver and sail at night time, and she probably  
13 will load for two or three days at Chemainus. The pilot  
14 would remain by request, but in ports easy to get out  
15 of they generally leave them there; unless it is going to  
16 be a one-day stand.

17 Q. All of these ports you have listed  
18 here yesterday, are they provided by land communications  
19 or air communications?

20 A. Some of them indirectly are. Some  
21 of them have good communications, some have very poor  
22 communications.

23 Q. Now, Captain, yesterday my learned  
24 friend Mr. Bird asked you some questions in relation  
25 to your statement in your brief to the effect that  
26 the basic pilotage rates had not been increased since,  
27 the brief mentions, 1951. Could you, sir, file a sample  
28 giving the rates, pilotage rates, including the surcharge  
29 which was also mentioned yesterday for a ship of 5,000  
30 tons, with a draught of 25 feet and proceeding from sea







1 to Vancouver?

2 A. Yes.

3 Q. Do you have an example of this?

4 A. Yes, sir.

5 Q. Would you mind filing this example  
6 as Exhibit 94?

7 My lord, if you would allow me, this is  
8 a sample, as I said, of a ship of 5,000 tons proceeding  
9 from sea to Vancouver with a 25-foot draught, and I  
10 draw your lordship's attention to the fact that in 1951, Decem  
11 that ship paid a total pilotage of \$110.00; in 1958, March,  
12 \$114.00; in April, 1958, \$121.00; October, 1958, \$120.40;  
13 and to-day, February, 1963, the same ship paid \$115.60.  
14 The difference is only \$5.60, comparing the present day  
15 rate with the rate in force in December, 1951.

16  
17 ---EXHIBIT NO. 94: Sample of pilotage rates for  
18 a ship of 5,000 tons, draught of  
19 25 feet, proceeding from sea to  
20 Vancouver.

21 Q. Now, Captain, have you prepared  
22 another sample of a ship proceeding from sea to Prince  
23 Rupert with a gross tonnage of 5,000 tons and a draught  
24 of 20 feet, giving the pilotage dues payable between  
25 December, 1951 to date?

26 A. Yes, sir.

27 Q. Would you mind filing this sample  
28 as Exhibit 95?

29 ---EXHIBIT NO. 95: Sample of pilotage rates for a  
30 ship proceeding from sea to  
Prince Rupert with gross tonnage  
of 5,000 tons and draught of 20 feet.





1 MR. LANGLOIS: My lord, I wish to draw  
2 your attention to December, 1951; the ship in question  
3 in the sample paid \$85.00, and the same ship to-day would  
4 pay \$72.96.

5 COMMISSIONER SMITH: Are those the total  
6 earnings that would accrue to the pilot on that tour?

7 MR. LANGLOIS: Yes.

8 COMMISSIONER SMITH: That is the total?

9 MR. LANGLOIS: For one single trip. It  
10 is not a tour.

11 COMMISSIONER SMITH: I meant one single  
12 trip.

13 MR. LANGLOIS: One single passage. There  
14 is detention on top of that.

15 THE CHAIRMAN: And the mileage also?

16 THE WITNESS: Mileage is included. It  
17 is the total pilotage charges, but not detention, if  
18 any.

19 MR. LANGLOIS: Of course, my lord, if  
20 the ship owner, the master, retains the pilot on board  
21 for his own convenience, that would be detention.

22 THE CHAIRMAN: My remark was just to  
23 know exactly what the exhibit means.

24 COMMISSIONER RENWICK: My lord, I  
25 would like to ask a question. Are there ships of this  
26 particular size in general use? Could we have examples  
27 of the ships that are more commonly used in this trade  
28 to-day?

29 THE WITNESS: Well, the ships vary. You  
30 have to take a certain tonnage ship because there is such







1 a variance in ships now. You get ships with less tonnage  
2 than 5,000, and you get ships with much greater tonnage.

3 COMMISSIONER RENWICK: The average I  
4 presume would be greater tonnage in to-day's ships?

5 THE WITNESS: Yes.

6 MR. BIRD: I will be producing samples  
7 of the weights.

8 THE CHAIRMAN: They will be compared to  
9 these that were filed so that we can make a compilation.

10 MR. BIRD: Yes. These are actual pilotage  
11 costs with everything broken down, mileage, draught,  
12 tonnage, detention and travelling. We have some examples  
13 of the amounts paid.

14 MR. JACQUES: Would they be for actual  
15 real ships?

16 MR. BIRD: Yes, receipted accounts from  
17 the Pilotage Authority.

18 MR. LANGELOIS: We used the 5,000 ton  
19 ship, 25 foot draught ship because it is the example that  
20 Commissioner Smith used himself.

21 COMMISSIONER SMITH: That is right.

22 MR. BIRD: I would like to ask a few  
23 questions if I may, my lord.

24 MR. LANGELOIS: I am not through.

25 MR. BIRD: Oh, I am sorry. Excuse me.

26 MR. LANGELOIS: If it is bearing on what  
27 he said, I have no objection.

28 MR. BIRD: Oh, no, I will wait.

29 MR. LANGELOIS: My lord, yesterday also  
30 my learned friend, Mr. Jacques, asked if we would file







1 this letter which was referred to by the witness in  
2 connection with pension fund of the British Columbia  
3 Pilots. We found in our file a photo-copy of a memorandum  
4 dated January 14, 1963, from the Superintendent of Pilotage  
5 to the Regional Superintendent of Pilots in Vancouver.  
6 From the Superintendent of Pilotage in Ottawa to the  
7 Regional Superintendent of Pilots in Vancouver, to which  
8 is attached calculation of fractional pension credits  
9 for the year ending December 31, 1961; also British  
10 Columbia pilots' pension fund, total pension credits  
11 for service to December 31, 1960.

12 These are only photo copies, and if  
13 my learned friend has no objection, we will file them.

14 MR. JACQUES: As long as you certify  
15 them.

16 MR. LANGLOIS: Again, sir, this document  
17 is only a photo copy. The original is in the file of  
18 the Department in Ottawa. We will give it a number  
19 to-day.

20 THE CHAIRMAN: It will be obtained from  
21 the Ottawa dockets.

22 ---EXHIBIT NO. 96: Photo copy of memorandum dated  
23 Janaury 14, 1963, with attach-  
24 ments referred to.

25 MR. LANGLOIS: My lord, I do not know  
26 if this will be necessary or if my learned friend would  
27 like to have this. I have here a document prepared I  
28 understand by somebody in the local Superintendent's office  
29 here, and entitled British Columbia Pilots' Pension  
30 Fund, origin and development. We found it in our files.





1 It is not signed.

2 MR. JACQUES: Would you let me have  
3 the document?

4 MR. LANGLOIS: It is not signed and it  
5 is not dated.

6 MR. JACQUES: I am advised that this  
7 document was in fact prepared at the office here, but  
8 there is nothing official in it, and it was done strictly  
9 from memory. It refers to various P.C.'s, and if it is  
10 satisfactory to my friend, we, the Commission, could  
11 prepare a history of the British Columbia Pilots' Pension  
12 Fund through our technical adviser in Ottawa.

13 THE CHAIRMAN: That is all right.  
14 In order just to help, with these reserves, you could  
15 file it.

16 MR. JACQUES: I am willing to file it  
17 as it is now.

18 THE CHAIRMAN: Knowing that it is only  
19 made from memory?

20 MR. JACQUES: Yes, my lord.

21 THE CHAIRMAN: It might be quite helpful.

22 MR. LANGLOIS: That will be exhibit  
23 97.

24 ---EXHIBIT NO. 97: Document entitled British Columbia  
25 Pilot Pension Fund, origin and  
26 Development.

27 MR. LANGLOIS: My lord, if my learned  
28 friends have no objection, I would like to have the  
29 witness file photo copies of two pilot's source forms.  
30 One is for the German vessel - I don't know how to pro-







1 nounce that - Cuxhaven, and the German ship Lechstein,  
2 together with a photo copy of the relevant page of  
3 the Lloyd's list, Lloyd's shipping index rather, giving  
4 the tonnage as listed in Lloyds for these ships.

5 I draw your lordship's attention to the  
6 fact that in the case of the Cuxhaven the gross tonnage  
7 was given on the pilot's source form as being 6,507 tons,  
8 while the ship is listed in Lloyd's as being 9,892 tons.

9 I would also draw your lordship's attention  
10 to the fact in the case of the Lechstein, the gross  
11 tonnage reported on the pilot's source form was 3,660  
12 tons, while in the Lloyd's list or Lloyd's index the  
13 tonnage of that ship, the gross tonnage is 5,347.

14 These are two examples of what can  
15 be done with this device of using open deck tonnage and  
16 gross tonnage. I would like to have the witness file  
17 these as exhibit 98 .

18 ---EXHIBIT NO. 98: Photo copy of Pilot's Source Form  
19 re Cuxhaven.

20 AND

21 Photo copy of Pilot's Source Form  
22 re Lechstein.

23 MR. JACQUES: We have no objection. In  
24 fact they were prepared by Captain Eddy here for the use  
25 of the Commission. He discovered that.

26 BY MR. LANGLOIS:

27 Q. Now, Captain, yesterday you  
28 stated in answer to a question by Mr. Bird when you have  
29 two pilots on duty on a ship on a ten-hour run that  
30 normally one pilot would take over for five hours and





1 the second pilot for four hours. Is that a fact?

2 A. It depends on the length of the  
3 time, yes.

4 Q. Would there not be weather conditions  
5 which would require the two pilots to be on duty at the  
6 same time?

7 A. Well, it could happen and it does  
8 happen frequently if the weather gets bad, the pilot  
9 can call the other pilot up and he is quite an assistance.

10 Q. On these ships, what are the normal  
11 watches for the deck officers?

12 A. Most of the ships are four on and  
13 eight off.

14 Q. Four hours on and eight hours off?  
15 Yesterday also mention was made of the larger ships  
16 now in use in your district. Is it not a fact, sir, that  
17 the larger the ship is the greater is the responsibility  
2 18 of the pilot?

19 A. Oh, yes, certainly.

20 Q. Would you wish to further elaborate  
21 on this? Could you explain to the Commission how your  
22 responsibility is increased with the size of the ship?

23 A. Well, I think it runs -- I don't  
24 think it can be explained so much, but naturally any  
25 time you are handling a larger ship there is a larger  
26 responsibility. It does not probably advance fifty per  
27 cent if the ship is fifty per cent larger, but there  
28 is quite a large proportion of extra responsibility on  
29 the larger ship than on the smaller ship.

30 Q. Is it not a fact that the larger







1 the ship, it is not always true, but there is the  
2 possibility the draught will be greater too?

3 A. That is right, yes.

4 Q. Is it not also a fact that the  
5 larger the ship the less maneuverability she has? She  
6 is harder to maneuver?

7 A. Yes.

8 Q. Is it not also a fact in the  
9 case of a large and heavy ship proceeding, say, at slow  
10 speed, she will take a much longer distance to come to  
11 a stop than a smaller ship?

12 A. That is right.

13 Q. Is it not also a fact that in the  
14 case of these large vessels in shallow waters, if the  
15 ship rolls due to the beam of the vessel, her draught  
16 can considerably change?

17 A. Yes.

18 Q. Would you tell the Commission what  
19 is the average beam of these larger vessels, the larger  
20 tankers?

21 A. Well, the tankers and the bulk  
22 carriers, they run I would say from 65 feet maybe to  
23 100 feet.

24 Q. Sixty-five feet of beam you mean?

25 A. Yes, beam, yes, sir.

26 Q. And to a maximum of what?

27 A. One hundred feet.

28 Q. Now, would you tell the Commission  
29 in still waters whether one of these larger tankers, for  
30 example, going at full speed, how long would she take to







1 stop by reversing at full astern?

2 A. At full astern?

3 Q. Yes. Not a turbine ship, a diesel  
4 ship?

5 A. I imagine she would --, of course  
6 it varies considerably in the ship, but if it is a loaded  
7 ship I don't think -- if she would go straight I think  
8 she would go approximately a mile at least. Maybe two  
9 miles.

10 Q. From full ahead?

11 A. Yes.

12 Q. From the time you put her full  
13 astern until she would come to a dead stop in the water?

14 A. Yes.

15 Q. What would be the distance run,  
16 taking a 14-knot ship for example?

17 A. I was asked the same question on  
18 the Pilot's exam by Captain Robson. Even he says that  
19 it changes, but my answer was the same then, that I figure  
20 the ship would carry way -- we were talking about the  
21 Empress boats which are large passenger boats, and I  
22 said the same thing and I still think it would probably  
23 be a mile to two miles before she would stop.

24 Q. From one to two miles to stop?

25 A. Yes.

26 Q. And going at half speed with the  
27 same type of vessel?

28 A. But on the other hand if you had  
29 to do that the ship would probably turn right around  
30 before you had her stopped.





1 Q. I will come to that later, sir.

2 But the same ship going at half speed?

3 A. Well, I think it would run about  
4 three-quarters of the distance that she would going full  
5 speed.

6 Q. At slow ahead now?

7 A. Well, at slow ahead you might  
8 fetch her up in, oh, less than a quarter of a mile any-  
9 way.

10 Q. Now sir, these examples, I take  
11 it are with a single screw diesel vessel. Would the  
12 distance be the same with a turbine ship?

13 A. Oh, no.

14 Q. In which way would it be different?

15 a. It takes a longer time for the  
16 turbine to come to a stop, and then to get it started  
17 in reverse. It is quite a period between. One Jap ship  
18 we had here, it was 40 seconds going slow between putting  
19 it to stop and the engine stoppings, which is a long time.

20 Q. What about your estimate in the  
21 increase in the distances which you have just given?  
22 Would it be twenty-five per cent more, thirty or forty?

23 A. Oh, I would judge probably forty  
24 per cent.

25 Q. Now, these larger ships using the  
26 waters of your district here, are they single screw?

27 A. Quite a lot of them are, yes,  
28 most of them are I would say.

29 Q. Would you mind explaining to the  
30 Commission what happens when you reverse the engine of







1 a single screw vessel? Depending whether she has a left-  
2 hand or right-hand propeller?

3 A. Well, they are mostly right-hand,  
4 and they always swing the stern to port the moment you  
5 go astern. Some more than others, but if you keep going  
6 long enough you can swing right around.

7 Q. Is it not a fact that in narrow  
8 channels you have to be very cautious how you use your  
9 stern power on a ship of that size?

10 A. Yes, that is correct. As a matter  
11 of fact, the golden rule of piloting I think is not  
12 that you have to go astern. As long as you can give her  
13 a kick ahead, why that can save many accidents.

14 Q. Speaking of accidents, sir, is  
15 it to your knowledge that you have had shipping casualties  
16 in your District while ships were not using pilots in  
17 the waters where the payment of pilot dues was compulsory?

18 A. Yes, we have had some, not too  
19 many, because not too many ships have tried to traverse  
20 the waters without pilots, but we have had some accidents.

21 Q. Would you recall some of these  
22 accidents in recent years?

23 A. Well, the last one I know about  
24 was the vessel Hermion at Prince Rupert.

25 Q. Will you tell the Commission what  
26 happened in that case?

27 A. Well, I was not there, but this  
28 boat apparently had made one trip into Prince Rupert,  
29 and it was coming back on the next trip, and apparently  
30 the master was told that if he came in by himself that





1 he would save the expenses of the pilot, but he would  
2 still have to pay the pilotage charges, and he decided  
3 that maybe he would try this. He ran into a fog at the  
4 entrance of the harbour, and the ship was put ashore  
5 on the Barrett Rock. The ship was practically a brand  
6 new ship, with all the aids, beautiful radar and  
7 beautiful gyros, sounding machine, and everything else,  
8 but she still went ashore behind Barrett Rock.

9 MR. LANGLOIS: My lord, I have a  
10 photograph, which was not taken by the witness, I don't  
11 know if my learned friends will object, but it is of  
12 the ship aground on Barrett Rock.

13 ---EXHIBIT NO. 99: Photograph of vessel Barnion aground  
14 on Barrett Rock.

15 MR. LANGLOIS: My lord, would you mind  
16 me asking the Secretary if we have filed the agreement  
17 between the shipping people and the pilots for detention.

18 THE SECRETARY: Yes. It was Exhibit  
19 81.

20 MR. BIRD: I should like to state for  
21 the record that perhaps Mr. Langlois referred to the  
22 shipping people, but this was an agreement, as I recall  
23 it, with one company.

24 MR. LANGLOIS: I didn't say it was the  
25 Chamber of Shipping.

26 Q. Yesterday, Captain Gosse, in  
27 answer to a question by Mr. Jacques you mentioned that  
28 the pilots were taking over from the master. Would you  
29 mind giving the reason why this is done?

30 A. Taking over?







1 Q. Yes, the masters of ships let the  
2 pilots take over when they board the ships?

3 A. Why is it done?

4 Q. Yes, what is the reason?

5 A. Well, the reason is that I imagine  
6 that he hires a pilot, and he feels that probably he is  
7 better qualified to take the ship to sea than himself,  
8 or otherwise I don't imagine he would turn it over, but  
9 I don't know if that answers your question or not. That  
10 is, he is better qualified in experience.

11 Q. Yes, I think Captain Mr. Jacque  
12 suggested that you file into the records of this Commission  
13 the copies of your minutes of the meetings of your  
14 Committee. Have you searched your file, and have you  
15 found out whether or not you have such minutes?

16 A. The minutes?

17 Q. Of the meetings of your Pilots'  
18 Committee?

19 A. I think I showed some here yes-  
20 terday.

21 MR. LANGLOIS: Is my learned friend still  
22 insisting?

23 MR. JACQUES: I have not read any of  
24 these minutes, and you said you would look through the  
25 file and supply us with whatever minutes you have. Before  
26 I say whether I want them filed or not I would like  
27 to read them.

28 THE CHAIRMAN: Will you decide that at  
29 the adjournment? You will contact Mr. Langlois about  
30 that at the adjournment?







1 MR. JACQUES: Yes, my lord.

2 MR. LANGLOIS: My lord, there will  
3 probably be no objection to our filing these minutes  
4 provided that they remain confidential, because they deal  
5 with certain internal problems among the pilots, and I  
6 don't think this should be open to the public as a  
7 matter of public record.

8 THE CHAIRMAN: That is all right.  
9 This is granted.

10  
11 ---EXHIBIT NO. 100: Minutes of Meetings of  
12 Pilots Association (marked  
confidential)

13 Q. Yesterday, Captain Gosse, when  
14 you mentioned local problems, did you mean by that that  
15 you were having difficulties with the Local Superintendent  
16 of Pilotage on the coast?

17 A. No.

18 Q. That was not what you meant?

19 A. No sir.

20 Q. There was also mention made of  
21 the possibility of contagious disease, pilots boarding  
22 these foreign ships. Would you tell the Commission if  
23 you still have pratique and quarantine procedure here  
24 on the west coast for foreign ships?

25 A. Yes we do.

26 Q. So, as I understand it, pratique  
27 and quarantine procedure is still considered necessary  
28 by the authorities of the country?

29 A. Yes sir.

30 Q. Would you inform the Commission





1 as to the conditions of living on some of these ships?  
2 Are they healthy conditions? Would you mention some of  
3 them? Without mentioning any shipping firms, and names  
4 of ships? Generally speaking?

5 A. Well, it is certainly very easy.  
6 You can get on some ships, and maybe have filet mignon for  
7 dinner, but on another ship you will maybe have spaghetti  
8 with rancid cheese or salad with rancid olive oil on  
9 it. So our menus vary considerably between one class  
10 of ship and another. As a matter of fact it is even  
11 on some ships, we get eggs that have been cooked the  
12 day before and put in the ice box overnight, and if you  
13 hit them with a knife the knife would bounce toff them.  
14 So it is not very appetising.

15 Q. Have you ever been on board ships  
16 where the state of cleanliness of the ship left very  
17 much to be desired?

18 A. Well, most ships -- we don't go  
19 into the rooms on the ships anyhow. We did have a bit  
20 of trouble one time when we had to travel on ships. They  
21 used to ask us to sleep in the hospital, but I think  
22 that has been pretty well cleared up now between the  
23 shipping interests and the pilots. We request to be  
24 not asked to sleep in these hospitals, because we don't  
25 know what has been in there before us, but that is to-day  
26 pretty well looked after.

27 Q. You were questioned yesterday  
28 in connection with what you meant in your brief when you  
29 said that the pilots were hemmed in by the Department of  
30 Transport. Were you referring, sir, to cases of undue







1 annoyance, or were you merely referring to the restrictions  
2 imposed on the exercise of your trade as pilots, as  
3 set out in the by-laws of your District?

4 A. Well, it is restrictions that they  
5 have there of our conditions of becoming a pilot and  
6 remaining a pilot. We have certain restrictions named  
7 in the by-laws, and as I think we say further on in the  
8 brief, we are satisfied. We think they should be in the  
9 by-laws. We are not asking them to take these restrictions  
10 off.

11 Q. Am I interpreting your testimony  
12 correctly when I say you have no objection to having  
13 the pilotage system controlled by the government, or  
14 by the Department of Transport?

15 A. That is right, I think it says  
16 that in the brief, that we don't object to these  
17 restrictions. As a matter of fact we think it is good  
18 for the service most of them.

19 Q. You mentioned yesterday that ships  
20 going to these out-ports and particularly in the northern  
21 portion of your District, would have to go to Prince  
22 Rupert for clearance. Am I to understand that Prince  
23 Rupert is the only clearing port in the northern section  
24 of your pilotage district?

25 A. Well, Kitimat has their own  
26 clearance port, and some of the larger ports, Ocean  
27 Falls, but wherever they find iron ore they put in a  
28 wharf, and they can't afford to have clearance ports  
29 at all these places.

30 Q. So if I understand you correctly





1 you have Ocean Falls, Kitimat, and Prince Rupert as  
2 clearing ports for customs purposes in the northern section  
3 of your District. Is that correct?

4 A. Yes. There may be others, but  
5 those are about the only ones that our ships use.

6 Q. Am I then to understand that  
7 ships calling at other ports besides these three ports  
8 will have at any rate on both arrival and departure to  
9 call in at either Ocean Falls, Kitimat, or Prince Rupert,  
10 for clearance purposes?

11 A. Well, the boats going to Ocean  
12 Falls, would clear there, and the boats going to Prince  
13 Rupert would clear there, but the boats going to other  
14 ports would probably have to clear in and out there.

15 Q. How many ports would you say that  
16 the customs offices at Ocean Falls, Kitimat, and Prince  
17 Rupert are serving in that northern portion of your  
18 District?

19 A. Oh, there is very few ports up  
20 there, but any port that is established up there, I  
21 imagine that they would have to service. Port Simpson  
22 is going to become a port. I imagine that ships from  
23 there will have to go into Prince Rupert to enter and  
24 clear.

25 Q. Would you say that for example  
26 a port in the Queen Charlotte Islands would be normally  
27 serviced by Prince Rupert for clearance purposes?

28 A. Yes, unless they appoint a customs  
29 man there. She does not only clear there. I think she  
30 also gets -- she is surveyed in Prince Rupert too.







1 Q. You mean surveyed as to stowage.

2 Are you referring to the Port Warden?

3 A. The Port Warden sir, yes.

4 Q. Stowage and lashing?

5 A. Yes sir.

6 MR. LANGLOIS: Here I must say probably  
7 for the enlightenment of the Commission that a ship in  
8 that class of trade would, before leaving port, have to  
9 obtain a certificate from the Port Warden as to the stowage  
10 of cargo on board, and the lashing of that cargo. That  
11 is what is meant by survey before she leaves.

12 Q. Captain Gosse, would it be possible  
13 for you at a later stage to file with the Commission  
14 information as to the percentage of ships piloted by  
15 your pilots out of the 50th parallel of latitude? Would  
16 you have such information?

17 A. Well, I think we can obtain it  
18 off some of our documents somewhere.

19 Q. Would you be prepared to file  
20 information in this regard at a later stage of the pro-  
21 ceedings?

22 A. That is right, we would be.

23 THE CHAIRMAN: Shall we quote it right  
24 now?

25 MR. LANGLOIS: Well, I have no objection  
26 to giving it a number right now sir.

27 ---EXHIBIT NO. 101: Information as to the percentage  
28 of ships piloted south of the  
29 50th parallel of latitude.

30 THE WITNESS: There may be one thing,







1 that these ships are both in the southern portion and  
2 also in the northern. That is, they might go from one  
3 to the other. So if there is a duplication of the number  
4 of ships --

5 Q. It will be the percentage of jobs  
6 done exclusively below the 50th degree of latitude and  
7 the number of jobs above?

8 A. Right.

9 Q. Now, coming back to these services  
10 performed by pilots outside of your pilotage district,  
11 could you tell the Commission the number of pilots  
12 by which your present pilotage roster could be reduced  
13 if you were not called upon to perform these services  
14 outside of your district?

15 A. Well, that would vary considerably.  
16 I would have to make an approximate guess on that.  
17 I would say it could be, I think it could be six men,  
18 or something like that. I wouldn't like to say.

19 Q. Would it be possible, sir, if  
20 you --

21 A. Oh, just a minute. I am not --  
22 what I was thinking about, I was forgetting about men  
23 being held over. That could run in being held over for  
24 two or three or four or five days in port. It could  
25 run, oh, ten or twelve men.

26 Q. So am I right in interpreting your  
27 evidence as meaning that the fact that you supply these  
28 services outside of your district to shipping for its  
29 convenience requires you to increase the normal maximum  
30 of pilots that you would need to carry on your duties





1 as pilots in your district properly?

2 A. Yes, quite considerably.

3 MR. LANGELOIS: Thank you, Captain

4 Gosse.

5 THE CHAIRMAN: We will adjourn now

6 until two o'clock.

7  
8 ----Whereupon the Hearing adjourned at 12:25 P.M. until  
9 2:00 P.M.

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1 ---On resuming at 2:00 P.M.

2 MR. LANGLOIS: My lord, before proceeding  
3 any further I wish to make a correction to Exhibit 94  
4 which was filed by the witness this morning giving an  
5 example of a 5,000 ton ship proceeding from sea to Van-  
6 couver. The corrections are to be made as follows:  
7 December, 1951, the total should read \$88.00 instead of  
8 \$110.00. March, 1958, the total should be \$92.00 instead  
9 of \$114.00. For April, 1958, the total should be \$99.00  
10 instead of \$121.00. The remainder of the information  
11 contained on this example is correct.

12 I should add at this stage, my lord,  
13 this mistake was made because the tonnage for the three  
14 first years were wrongly calculated on gross tonnage  
15 while the formula called for the calculation for pilotage  
16 on net tonnage. The difference, as I pointed out this  
17 morning, the pilotage dues payable in December 1951 as  
18 compared with those payable to-day, instead of being  
19 \$5.60, the difference is \$17.60.

20 With your permission, my lord, we would  
21 substitute for the exhibit filed this morning the corrected  
22 amounts.

23 THE CHAIRMAN: All right.

24 MR. LANGLOIS: It is \$27.60 instead of  
25 \$17.60. Now, my lord, mention has been made --

26 THE CHAIRMAN: Are you going to give a  
27 new copy to Mr. Nadeau?

28 MR. LANGLOIS: Yes, we will have it  
29 typed. This one is corrected in ink, and we will have  
30 another one typed and filed.





1                   Mention was made both yesterday and this  
2 morning of larger ships plying these waters. I have here  
3 clippings from the Vancouver Province, the first one of  
4 February 27, 1963, in which you have a picture of the  
5 lumber cargo, Paros. Another clipping, the same newspaper,  
6 the 7th of December, 1962 of the largest grain carrier,  
7 the Sonic. I have arranged with the newspaper to have  
8 photographs of these clippings filed in the evidence.  
9 Should the Commission want to look at these clippings,  
10 now, they are at your disposal. You could probably give  
11 them a number now.

12  
13 ---EXHIBIT NO. 102: Photograph of lumber cargo, Paros  
14   and photograph of grain carrier,  
  The Sonic.

15                   COMMISSIONER SMITH: My lord, before Mr.  
16 Bird starts, I wonder if I could ask the witness a  
17 question, just one question.

18                   Captain, could you tell me the difference  
19 between the formula used in the United States and in  
20 Great Britain for calculating the gross tonnage of vessels?  
21 I understand there is a difference. One uses one  
22 formula and another uses another formula. Would you tell  
23 me the difference?

24                   THE WITNESS: Well, I don't know that  
25 there is any difference. Maybe for calculating their  
26 own ships -- the only place I know where they have a  
27 difference that I am aware of, is a ship going through  
28 the Panama Canal, they measure the ship themselves. They  
29 don't take any other measurements. It is measured on  
30 Panama Canal Tonnage Scale, I think. Outside of that I







1 don't know of any.

2 COMMISSIONER SMITH: I am speaking of  
3 gross tonnage only.

4 THE WITNESS: Well, this affects the  
5 tonnage. They call it The Panama Canal Tonnage.

6 COMMISSIONER SMITH: This is a measurement  
7 tonnage and it only has to do with gross, and I under-  
8 stand the formula is quite different for reasons that are  
9 of some considerable advantage to American ships.

10 THE WITNESS: Well, the tonnage that we  
11 go on mostly, on most of the boats, it is written in  
12 the log book as British gross tonnage. Usually it has  
13 Britt after it, and on some of the Norwegian ships you  
14 usually see this, so I guess that is a British calculation.

15 If you are thinking about this shelter  
16 deck and one thing and another, I think maybe we could  
17 get hold of one of the naval architects or somebody to do  
18 with the Burrard drydock. We might be able to get a sort  
19 of sketch to see how that tonnage, the shelter deck tonnage  
20 is handled. He could give us a rough graph of how they  
21 do this, to make this open shelter deck.

22 MR. LANGLOIS: In this respect, my lord,  
23 I have endeavoured to make arrangements to have either  
24 a marine surveyor or a naval architect to submit a sketch  
25 showing how you obtain this open shelter deck tonnage.

26 THE CHAIRMAN: That would be fine if you  
27 could.

28  
29 RE-CROSS EXAMINATION BY MR. BIRD:

30 Q. Just a few questions, Captain Gosse.







1 Captain, you are speaking of the added responsibility and  
2 the difficulties in handling and navigating these larger  
3 ships. Is it not true that the ceiling of 6,000 tons to  
4 which the pilotage dues were to apply was taken off to  
5 provide for the newer and larger ships that were coming  
6 to our ports?

7 A. Yes, that is probably true.

8 Q. Now, Captain, you will recall the  
9 mention that I made of a memorandum from your Committee  
10 in 1957, dated March 12, 1957, from the B.C. Pilots'  
11 Committee to the Department of Transport. I show you that  
12 memorandum.

13 Can you assist the Board in determining  
14 why that was sent and the reasons behind it?

15 A. This is 1957?

16 Q. Yes, March 12.

17 A. It is not signed by anybody, is  
18 it?

19 Q. No, but attached to it is a letter,  
20 my lord, dated March 25, 1957 from the Department of  
21 Transport in Ottawa, addressed to Mr. Sankey, then Sec-  
22 retary of the Vancouver Merchants Exchange, and also  
23 Secretary of the Vancouver Chamber of Shipping, as one  
24 of its counter-parts, enclosing a copy of this memorandum,  
25 and asking for certain comments.

26 A. It says this is calculated to give  
27 a remuneration of about \$12,000.00 a year.

28 Q. Yes. I have not read it yet. I  
29 just want you to examine it briefly and to let me know  
30 whether you are familiar with this memorandum which





1 apparently emanated from your Committee?

2 A. Am I familiar with it?

3 Q. Yes?

4 A. I can't say. I don't know who  
5 wrote it. This is the way a lot of our submissions are  
6 put in. I imagine it must have been written by the  
7 Committee.

8 Q. Have you been able to find such  
9 a memorandum in your files?

10 A. Not the duplicate of this, but  
11 I would say that this has been written by the Pilots'  
12 Committee, yes.

13 MR. LANGLOIS: My lord, in this respect  
14 my learned friend yesterday when he referred to this  
15 memorandum or proposal of this kind by the pilots, was  
16 referring, if I understood him correctly, to the pilots  
17 having made a request for a guaranteed salary.

18 This memorandum speaks for itself, and  
19 there is no question of a guaranteed salary. It was only  
20 a question of a proposal of the pilots to have a new  
21 structure of pilotage dues in order to arrive at an  
22 average income of \$12,000.00. It is not the same at all,  
23 what my learned friend suggested yesterday the proposal  
24 was.

25 MR. BIRD: Well, I think, my lord, it  
26 must speak for itself. I am not suggesting it was for  
27 a guaranteed salary or anything else. What I am endeavouring  
28 to elucidate from the witness is whether he has any  
29 knowledge of it, and if he has, I would like to have the  
30 reasons behind it. I suppose it is a question of argument







1 as to what the pilots intended.

2 MR. JACQUES: What is the date of it?

3 MR. BIRD: The date of the memorandum is  
4 March 12, 1957, and the date of the letter from the  
5 Department of Transport to Mr. Sankey is March 25, 1957.

6 THE CHAIRMAN: In any event, for the sake  
7 of the record, commission counsel is going to have the  
8 original of the document or a certified copy from the  
9 Department file.

10 MR. JACQUES: I had requested that document  
11 by the pilots yesterday, my lord.

12 THE CHAIRMAN: From the Department in  
13 Ottawa, for apparently it was sent to us, because we have  
14 a covering letter from the Department there.

15 MR. JACQUES: Yes, my lord.

16 MR. BIRD: As your lordship will have  
17 gathered, this was not received by nor addressed to the  
18 Vancouver Chamber of Shipping by the pilots. It was sent  
19 by the pilots to the Department.

20 THE CHAIRMAN: Yes, that is what I see.  
21 The original should be there in the Department.

22 MR. LANGLOIS: And in this respect this  
23 memorandum is not signed by anybody.

24 THE CHAIRMAN: That is why I am making  
25 this reserve.

26 MR. LANGLOIS: We will give the under-  
27 taking that we will search our own files here to see  
28 if we have a copy.

29 THE CHAIRMAN: There are some erasures  
30 or corrections there. Who made them, and why; that is





1 another reason why we should have the original one. It  
2 should be right now in the Department's dockets, so this  
3 would be completed in Ottawa.

4 MR. LANGLOIS: Is the document being  
5 filed?

6 THE CHAIRMAN: Yes.

7  
8 ---EXHIBIT NO. 103: Memorandum dated March 12, 1957  
9 from the B. C. Pilots' Committee.

10 MR. LANGLOIS: It is filed under the  
11 reservation you have just made?

12 THE CHAIRMAN: Yes, that is why I men-  
13 tioned that.

14 BY MR. BIRD:

15 Q. In any event, Captain Gosse, you  
16 cannot assist us as to the background behind this mem-  
17 orandum, if such a memorandum was sent by the Pilots'  
18 Committee?

19 A. It might have been even sent by  
20 me, but I can't recognize it.

21 Q. You can't recollect it, all  
22 right. Do you recall, Captain Gosse, this dispute, for  
23 want of a better term, that you had with the Chamber  
24 of Shipping in, say, about June of 1961 which ultimately  
25 resulted in a refusal by the pilots to go to Puget  
26 Sound? Do you recall that? Do you recall giving  
27 testimony about that?

28 A. As I said before, the Chairman  
29 of the Committee at that time is since deceased.

30 Q. Yes. That was Mr. Bennett?





1 A. Yes.

2 Q. You are familiar with what went  
3 on?

4 A. Quite familiar. As a matter of  
5 fact, I attended some of the meetings.

6 Q. At that time did you make certain  
7 demands upon the Chamber of Shipping for increases in  
8 various dues and charges?

9 A. That is what I stated the other  
10 day, yes.

11 Q. And since that demand was turned  
12 down by the Chamber, you required your pilots not to  
13 go outside their district; is that correct?

14 A. I did not.

15 Q. Well, did your Committee?

16 A. The Committee at the time, but  
17 I don't know whether I should add anything to that.

18 Q. You may add anything you want.

19 A. Is it all right? One of the reasons -  
20 I am not talking for Captain Bennett, but I was there  
21 at the time and I know what his feelings were. He became  
22 probably a little bit mad over this situation that the  
23 Chamber of Shipping wouldn't even discuss anything with  
24 him, and they even set us to a time, and the Chairman  
25 said I have got to get to another meeting, and I can't  
26 be bothered talking to you anymore about it, so more or  
27 less closed the meeting on that stand.

28 Q. Well; Captain Gosse, did you  
29 attend that meeting?

30 A. Yes.







1 Q. Do you say the Vancouver Chamber  
2 of Shipping was not prepared to discuss it?

3 A. They told us they were not prepared  
4 to discuss anything that would give us more earnings.

5 Q. And the meeting ended there?

6 A. It ended a short time after, yes.

7 Q. I would like to be fairly clear  
8 on this.

9 A. As a matter of fact, there was also the  
10 Superintendent there, the Superintendent of Pilots was  
11 at the same meeting.

12 Q. Captain Eddy?

13 A. Captain Eddy.

14 Q. And you say the Chamber refused  
15 to discuss it at all?

16 A. They said we refuse to discuss  
17 rates. They told us more than once they would not dis-  
18 cuss rates. All they were going to discuss was how much  
19 the pilots were earning, and they did not want to discuss  
20 that much.

21 Q. How long did the meeting take?

22 A. As a matter of fact, not only that,  
23 but they got from the Department pilots' earnings which  
24 was much in excess of what they were at the time.

25 Q. I am sorry, what was that?

26 A. They got an amount from the Depart-  
27 ment -- I believe they got it from the Department -- much  
28 in excess of what we were earning at that time.

29 Q. You are not suggesting, Captain  
30 Gosse, the Department gave them an incorrect figure, are





1 you?

2 A. Yes. The Department of Transport  
3 in the Senate House in Ottawa gave them the wrong set of  
4 costs for the B. C. pilots earnings, and another thing,  
5 the Vancouver Province put in here two weeks ago that  
6 B. C. pilots were making \$22,000.00.

7 Q. What I am referring to, and I  
8 would like you to keep your attention upon this meeting  
9 in July, I believe it was, of 1961?

10 A. Yes, and the reason I am mentioning  
11 these things are because these are the reasons why  
12 probably the Chamber of Shipping would not discuss rates  
13 with us on account of this inflated idea of our earnings.

14 Q. With Captain Eddy at the meeting  
15 do you think that he was given incorrect figures by  
16 Ottawa?

17 A. Captain Eddy had figures of his  
18 own. We asked many times before our earnings were given  
19 out to the public that they be checked with the Pilots'  
20 Committee and the Local Superintendent.

21 Q. Well, Captain Gosse, do you say  
22 at that time in July or thereabouts of 1961 that your  
23 earnings were being incorrectly stated by the Superintendent  
24 of Pilots?

25 A. No, not by our local --

26 MR. LANGLOIS: My lord --

27 MR. BIRD: I just want to be clear.

28 MR. LANGLOIS: If my lord will allow me,  
29 I think it is safe to say, and the witness will bear  
30 me out on this, there is no accusation that the Superin-







1 tendent of Pilots or the Department of Transport have  
2 given wrong figures at this stage. Only a misrepresentation  
3 of the figures, so that instead of giving the net income  
4 to the pilots, they were giving the gross revenues of  
5 the district, which included not only the money which was,  
6 in the final analysis, paid to the pilots, but it was  
7 including also boat hiring, travelling time and other  
8 expenses. Nobody misinterpreted the situation. They  
9 were just giving the gross revenues, and it was misinter-  
10 preted as being revenue going to the pilots.

11 THE CHAIRMAN: They were misleading  
12 figures?

13 MR. LANGLOIS: Yes, but they were not  
14 incorrect.

15 THE CHAIRMAN: They were incorrect to  
16 a certain extent?

17 MR. LANGLOIS: Was that the situation  
18 Captain Gosse?

19 THE WITNESS: I don't know how anybody  
20 could arrive at \$22,000.00, because we don't come anywhere  
21 near that. Also in this article it mentioned Puget  
22 Sound. It mentioned that we charge the ship two dollars  
23 a foot in length. That is a simply ridiculous stuff.  
24 Where they get this stuff I don't know.

25 THE CHAIRMAN: What are you referring  
26 to now?

27 THE WITNESS: Articles in the paper.  
28 What I am referring to is that the public get the wrong  
29 idea of what the pilots' earnings are, and they have been  
30 getting it for several years back, and it is very harmful





1 to us.

2 THE CHAIRMAN: And what you are referring  
3 to just now is to an article just published in the paper  
4 recently?

5 THE WITNESS: That was one thing. Another  
6 thing was that when the Bill S3 was going through the  
7 Senate somebody told the Committee there that the pilots  
8 were making \$18,000.00. They corrected it after, but  
9 the first blow is the worst, because it gets in the papers.  
10 When this article came out the last time in the paper,  
11 in "The Province", even my own sister came along and phoned  
12 my wife and said "what are you doing with all the money?  
13 You people are talking about poverty". So a pilot has  
14 got two strikes against him before he comes to bat.

15 MR. LANGLOIS: In this respect I would  
16 refer your lordship to the proceedings of the Senate  
17 Committee in Ottawa on the Bill S3.

18 Q. Captain, I don't wish to get into  
19 any dispute about who said what, but as long as we  
20 understand one another that you are not suggesting that  
21 your earnings were misrepresented by the Department, or by  
22 the Chamber of Shipping?

23 A. By the Chamber of Shipping, yes.  
24 They told us many times. When we give them our earnings  
25 they said "that is not your earnings. You are earning  
26 far more than that. We got this from the Department.  
27 You are earning \$18,000.00". This is the first time that  
28 I have ever been to a meeting where the proper figures  
29 were given out.

30 Q. But you have given particulars of







1 your earnings to the Chamber of Shipping?

2 A. We don't give it. All the Chamber  
3 of Shipping has got to do, apparently, to get our earnings  
4 is just go to the Department of Transport.

5 Q. I am not following you, I think,  
6 Captain Gosse. I rather thought that you said that the  
7 Chamber of Shipping said to you when you told them what  
8 your earnings were that those figures weren't right?

9 A. Pardon?

10 Q. As I understood your evidence a  
11 moment ago, and you may please correct me if I am wrong,  
12 was this, that the Chamber of Shipping didn't believe  
13 your statement to them as to the amount of your earnings?  
14 Now, is that correct?

15 A. When we quoted them, because they  
16 got figures from the Department that were different  
17 sometimes, and sometimes they had their own idea.

18 Q. So you did quote your earnings  
19 to the Chamber of Shipping?

20 A. We offered to. As a matter of  
21 fact, I offered --

22 Q. Well, did you?

23 A. Because they wouldn't accept them  
24 half the time.

25 Q. Did you quote your earnings to  
26 the Chamber of Shipping?

27 A. Well, I am going to answer that  
28 I don't know.

29 Q. Well, if you don't know I must  
30 ask you how you apparently told them that they were mis-







1 stating these earnings?

2 A. We offered to quote our earnings  
3 to them several times, but they said "those are not your  
4 proper earnings", and they didn't care about them because---

5 Q. If they didn't know the amount  
6 that you were earning, how could they say that the  
7 earnings were not properly stated?

8 A. I don't know anything about that.  
9 We might have told them, I don't know, but at some meet-  
10 ings we told them, and at some meetings they wouldn't  
11 listen to us, so that is the way it goes.

12 Q. Well, I won't pursue it...

13 THE WITNESS: No.

14 Q. Captain, I show you a letter,  
15 dated July 20, 1961, addressed to Captain J. Clark,  
16 Chairman, Vancouver Chamber of Shipping, Pilotage  
17 Committee. This is the one I was referring to.

18 A. Yes.

19 Q. And I show you the signature. It  
20 is signed K. Bennett. Do you recognize his signature?

21 A. Yes.

22 Q. So can I take it that this letter  
23 and the attached memorandum showing changes required in  
24 the existing rates was sent from the Pilots' Committee?

25 A. To who?

26 Q. To Captain J. Clark, Chairman,  
27 Vancouver Chamber of Shipping?

28 A. That is right, by Captain Bennett.  
29 I had nothing to do with that.

30





1 ---EXHIBIT NO. 104: Letter dated July 20, 1961.

2 MR. LANGLOIS: My lord, I have no ob-  
3 jection to the filing of the letter, but I draw the  
4 attention of your lordship to the fact that there are  
5 other figures added to it in pencil and ink, and I think  
6 we should have the author of these corrections to testify  
7 as to the figures.

8 MR. BIRD: The witness I will be calling,  
9 my lord, will be able to testify what the figures  
10 represent, who made them, and when.

11 Q. Captain, I show you the fourth  
12 column on Page 1 of this letter, where it says:

13 "Number of pilots at \$20,500.00 per  
14 year".

15 Was it the intention of the Pilots'  
16 Committee at that time to aim at a salary payable to all  
17 pilots of \$20,500.00 per year?

18 A. I would say that we are aiming  
19 farther than that. The more jobs we can do, the more  
20 work we can do -- we don't underestimate our value.

21 Q. No, I would agree with you. Is  
22 that figure of \$20,500.00 a year exclusive of pension  
23 contribution?

24 A. Yes, and for the work we are doing  
25 it is not too high.

26 Q. So that assuming a pension con-  
27 tribution of about \$2,000.00, I think it was \$1,886.00  
28 in 1962, that would give a total of your earnings at  
29 that target rate of \$20,500.00 of something in the  
30 neighbourhood of something a little less than \$22,500.00?







1 A. This money you are talking about  
2 of pension contributions was not our earnings.

3 Q. That is not what I was asking you?

4 A. I don't care. You are trying to  
5 insinuate that it is our earnings, but it is not our  
6 earnings. Our earnings is shown on the T4 slip that  
7 we pay income tax on. If we claim that for earnings,  
8 why doesn't the income tax people take us up and charge  
9 us for understating our earnings?

10 Q. What I am referring to is not what  
11 you call your net earnings, but your gross earnings.

12 A. It is not our gross earnings either.

13 MR. LANGLOIS: My lord, am I to under-  
14 stand my learned friend is putting his case before the  
15 Commission now? He is getting away from my line of  
16 questioning.

17 MR. BIRD: I perhaps was trespassing  
18 so far as re-examination was concerned, and if my friend  
19 requires it I won't pursue it. I think I have made the  
20 point I wished to make.

21 Q. Captain, to continue on this  
22 question of the refusal of the pilots to go south. No,  
23 this was not addressed to you. I am sorry.

24 This is from Captain Eddy, my lord,  
25 but it completes the series of events.

26 MR. LANGLOIS: It is not addressed to  
27 us, and it is not signed by us.

28 MR. BIRD: I would like to have it marked,  
29 my lord, so that it can be referred to by other witnesses  
30 later on.





1 MR. JACQUES: If this will help you,  
2 Captain Eddy is here, and he is quite willing to file this  
3 letter.

4 MR. BIRD: Thank you very much Mr. Jacques.  
5 I won't put it in now then my lord. I will wait until  
6 Captain Eddy is called, if that is satisfactory.

7 THE CHAIRMAN: As you wish. One way or  
8 the other. It does not matter.

9 MR. BIRD: Well, just to complete the  
10 events. This is a letter dated July 27, 1961, from  
11 F. N. Eddy, Regional Superintendent of Pilots, to  
12 Mr. W. Sankey, Secretary, Vancouver Chamber of Shipping:

13 "Dear sir:

14 I am in receipt of two communications  
15 from the Chairman of the British Columbia Pilots'  
16 Committee. The first one is as follows: -

17 The B. C. Pilots request that commencing  
18 0001 Saturday 29th, July, no further Despatches  
19 which require a pilot to leave his district,  
20 be accepted.

21 This refers to all cases where a  
22 pilot is asked to join a vessel at a foreign  
23 port, or is asked to travel on board a vessel  
24 to a foreign port, after completing his duties.

25 The Puget Sound Pilots are being  
26 notified of our decision in this matter.

27 This refers in main to the Puget  
28 Sound and California trips. The second is: -

29 The B. C. Pilots request that your  
30 staff be instructed to assess Movage, and





1 Detention charges in strict accordance with  
2 Pilotage By-law sections 4 and 6 (1).

3 All Pilots are being notified to take  
4 particular care in making out the pilotage cards,  
5 so that there will be no loss of revenue due  
6 to any carelessness on their part.

7 This refers to a gentlemen's agreement  
8 by which a ship anchoring to await a daylight  
9 docking was not charged with detention provided  
10 she docked before eight o'clock in the morning.  
11 They now require that the by-law respecting  
12 detention be obeyed".

13 That is another point which doubtless  
14 will be developed later.

15 ---EXHIBIT NO. 105: Letter dated July 27, 1961  
16 from Regional Superintendent of  
17 Pilots to Secretary, Vancouver  
Chamber of Shipping.

18 Q. Captain, you will recall Exhibits  
19 94 and 95, which dealt with a vessel of 5,000 tons,  
20 and showed a sample of the basic charges which would  
21 apply to such a ship going from sea to Vancouver on  
22 Exhibit 94, and from sea to Prince Rupert on Exhibit 95?

23 A. That is the ones that we sub-  
24 mitted, is it?

25 Q. Yes. Now, with respect to ships  
26 proceeding from sea to Prince Rupert, what generally  
27 happens so far as the pilot is concerned, assuming that  
28 the ship is to load or discharge there?

29 A. Prince Rupert?

30 Q. Yes?







1 A. After he arrives in Prince Rupert?

2 Q. Yes, do the pilots normally remain  
3 with the ship, or do they return to base?

4 A. Depending on how long she is going  
5 to stay there, but it is up to the ship people. They  
6 can dismiss him on arrival, or they can keep him by.

7 Q. Can you assist us in giving any,  
8 or can you help the Commission with respect to the percentage  
9 of times that a pilot will remain or return to base?

10 A. Well, it really depends on the  
11 agent of the ship. Sometimes -- of course, it also  
12 depends on probably the weather, because they might have  
13 to keep him there because the weather is doubtful whether  
14 he can get in on the plane the next day, or whenever  
15 they want him. But with the log ships going in there  
16 I think practically every time he is dismissed, because  
17 they take a long time to load. With the grain ships it  
18 depends on how fast they are going to load. If it is  
19 going to take two or three days he may be kept in. Other-  
20 wise he may be sent home too.

21 Q. But would it be fair to say that  
22 if the vessel is only going to be there two or three  
23 days that the pilot in most cases remains with the ship?

24 A. Sometimes we prefer them to keep  
25 us there if it is going to be that, because one pilot  
26 will be flying down and one pilot will be flying up, and  
27 it is a waste of manpower.

28 Q. And it also adds considerably to  
29 the travelling costs?

30 A. Well, we are not concerned with the





1 travelling cost, because you pay the travelling cost.

2 Q. You mentioned the necessity for  
3 vessels to clear at Triple Island when they were bound  
4 say for Harriet Bay, or for certain other places. Have  
5 you known occasions when owners fly the customs officer  
6 to the ship in order to clear either in or out?

7 A. I know they can do it, but I also  
8 know that it was contemplated. They spoke about this,  
9 but I think the ruling from the customs or the immigration,  
10 they said that on account of the weather they weren't going  
11 to fly the men into Harriet Harbour. But I don't know.  
12 We don't see this correspondence too much.

13 MR. BIRD: Thank you very much Captain  
14 Gosse.

15 THE WITNESS: Thank you.

16  
17 RE-CROSS EXAMINED BY MR. JACQUES:

18 Q. Ever since we had a little con-  
19 versation I see you have discovered a few more ports  
20 in B.C.?

21 A. That is right.

22 Q. To Bear Point you said there were  
23 fifty-six miles of pilotage waters?

24 A. That is right.

25 Q. How long would you take to do  
26 that run?

27 A. Five or six hours.

28 Q. Where would you board the vessel  
29 to go to Bear Point?

30 A. Off Victoria.







1 Q. How long would it take you from  
2 Victoria to the point where you start piloting?

3 A. As soon as we board.

4 Q. Oh, I understand. It is within  
5 the district?

6 A. Yes.

7 Q. And would you stay with the ship  
8 at Bear Point, or would you come back to base?

9 A. It all depends, but there is good  
10 access there. You can get out of there very quick, but  
11 we would stay probably if she is going out that day  
12 again.

13 Q. As you say, it avoids one pilot  
14 travelling one way and the other one travelling the other  
15 way at the same time?

16 A. Yes.

17 Q. What about James Island?

18 A. It is not used very much now. It  
19 is an explosive company down off Victoria. They have  
20 two docks there, one inside of James Island, and another  
21 dock on the north-east side of James Island.

22 Q. So you would board at Victoria?

23 A. Board at Victoria, yes.

24 Q. Would you stay with the ship?

25 A. Well, it depends. Sometimes we  
26 even go there and anchor off the dock. If they want to  
27 dismiss us, they can dismiss us.

28 Q. Normally do they dismiss you?

29 A. It depends the time the ship is  
30 going to be there.





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Q. You mentioned another place, Bamberton?

A. Yes. That is in Saanich Inlet.

That is a lime place.

Q. Where would you board?

A. Off Victoria.

Q. And you would start piloting in  
Victoria also?'

A. Yes.

Q. How many hours piloting would you  
have there?

A. Oh, five or six hours.

Q. Would you stay with the ship?

A. It depends how long she is going to  
be in. It is easy to get in from Bamberton to Victoria.

Q. Port Simpson?

A. Well, that is going to be established;  
they are going to change the log loading operation. In-  
stead of doing it at Prince Rupert Harbour, they are  
going to change it to Port Simpson.

Q. Is that very far from Prince  
Rupert?

A. There are no communications by  
boat there. I imagine whoever goes up there would have  
to come back in a tugboat.

Q. So a Port Simpson job would be  
similar to a Prince Rupert job?

A. Yes.

Q. Hatch Point?

A. That is down outside Cowichan Bay.  
There is one dock there, copper loading dock.





1 Q. Where would you board?

2 A. Well, if she is coming from the sea,  
3 at Victoria.

4 Q. And you would start immediately  
5 piloting the ship?

6 A. Yes. Or she may be taking only  
7 part cargo; she may be going to Vancouver.

8 Q. You have a boarding station, but  
9 you have also boarding off stations. Would you care to  
10 explain these boarding off stations to the Commission,  
11 please?

12 A. Well, ships leaving Port Alice  
13 may be bound for Japan, and ships leaving Port Tahsis  
14 may be bound out to sea. The same thing applies to  
15 Port McNeill. Now, according to the by-laws, that ship  
16 is supposed to be transferred to a boarding station  
17 to disembark the pilot, but we say providing we can get  
18 a proper, a safe boat to get off on we will get off  
19 there. But if we do this the shipping people must pay  
20 us for that service. So we have a boarding off charge.  
21 You see, we don't miss very much.

22 Q. How many boarding off stations  
23 have you got?

24 A. This is done for the convenience  
25 of the ship. We probably would sooner have them take  
26 us back. And it saves the ship money.

27 Q. How many of these stations have  
28 you got?

29 A. We haven't got any stations, because  
30 it might be anywhere, anywhere where we can get off the







1 boat.

2 Q. How long has this been going on?

3 A. Just at the last meeting with the  
4 Chamber of Shipping people. It is not in our by-laws,  
5 because it is something that is done by agreement.

6 Q. I notice it is not in your by-laws.

7 Now, you talked about large tankers,  
8 large bulk carriers. How many of them would you get in  
9 a year?

10 A. Where?

11 Q. In your waters?

12 A. Oh, many of them consist now of  
13 bulk shipping here.

14 Q. Would it be ten per cent, fifteen  
15 per cent, twenty per cent of shipping?

16 A. I think maybe the shipping people  
17 can give you a better idea than I can.

18 Q. We will ask them.

19 One last question, which I might think  
20 might be very important to the Commission. What do you  
21 consider are the most important factors involved in  
22 pilotage?

23 A. The most important factors?

24 Q. Yes, as regards your job? Is it  
25 the size of the ship, the speed of the ship, the waters,  
26 the length of the ship, the beam?

27 A. What is your question again?

28 Q. What are the most important  
29 factors?

30 A. Important for what?





1 Q. For your job, for piloting?

2 A. Well, they are all important,  
3 as far as we are concerned.

4 THE CHAIRMAN: It is ambiguous.

5 MR. JACQUES: It is, my lord.

6 Q. If you would give in order the  
7 main difficulties of your job where skill is required,  
8 starting with the most difficult and working down?

9 A. The most difficult thing for our  
10 profession?

11 Q. Yes?

12 THE CHAIRMAN: Not hazards.

13 THE WITNESS: The most difficult job a  
14 pilot has is first to learn the coast. When he knows  
15 the coast it doesn't become difficult any more -- to a  
16 lesser degree it is difficult. The size of the ship,  
17 of course; that is another could-be difficulty.

18 Q. Do you mean length or draught?

19 A. Well, say the dead weight tonnage  
20 of the ship, the size of her, and any other peculiarities.  
21 We have a ship coming in here which is quite a large  
22 bulk carrier. She has cranes and everything aft; you  
23 can hardly see the stern of her.

24 Q. What about the speed of the ship?

25 A. Sometimes instead of being a  
26 hazard it could be a help on the job, it could assist,  
27 because there are less hours of work on it. But also  
28 in a way it is another responsibility that you have to  
29 be careful of, because if you are travelling along at  
30 twenty-five, twenty-six knots you have to be all the







1 quicker in your judgment than you do with ten knots.  
2 It is all these things. But it is the same as any other  
3 profession, I imagine. They all tend to make the res-  
4 pondibilities of a pilot, which are plenty.

5 MR. JACQUES: Well, sir, I thank you  
6 very much on behalf of the Commission for having sat  
7 there for three whole days answering all sorts of  
8 questions which I am sure you didn't expect would be  
9 fired at you.

10 MR. LANGLOIS: My lord, I don't want to  
11 start all over again, far from it, but there was some-  
12 thing introduced in evidence about these boarding off  
13 stations, and I would like to ask the witness about them.

14 THE CHAIRMAN: This is going to come  
15 later on.

16 MR. LANGLOIS: I would like to get  
17 the distances involved.

18 BY MR. LANGLOIS:

19 Q. You mentioned Port Tahsis. If  
20 you were not taken off at Port Tahsis, what would be  
21 the distance the ship would have to go?

22 A. Cape Beale, about sixty or seventy  
23 miles.

24 Q. That would take how long?

25 A. Well, it depends on the speed -  
26 five to six hours.

27 Q. Now, for Port Alice, what would be  
28 the distance and the time required?

29 A. Well, down to Cape Beale, 150  
30 miles.





1 Q. Involving a travelling time of  
2 how much?

3 A. Well, depending on the speed of  
4 the ship.

5 Q. Say a 12-knot ship?

6 A. Oh, 150 miles would be about eleven  
7 hours, twelve hours.

8 Q. What about Port McNeill?

9 A. Well, Port McNeill, the Japanese  
10 carriers coming in from Japan going to Port McNeill,  
11 they take the pilot to Triple Island, and if they were  
12 going back to Japan they would have to let the pilot  
13 off at Triple Island, which would be, I would say, 250  
14 miles, 200 miles, anyway.

15 Q. And the last one you mentioned  
16 was Beaver Cove?

17 A. That is the same as Port McNeill.

18 Q. Since these boarding off charges  
19 are not written in your by-laws, could you give us what  
20 those boarding off charges are?

21 A. This is the same amount as the  
22 one-day detention, which is \$36.30, I think.

23 MR. LANGLOIS: Thank you. That is all.

24 My lord, except for the necessity of  
25 re-calling this witness for the purpose of filing the  
26 minutes of the Pilots' Committee, and filing also at a  
27 later stage, which I hope will be probably at the New  
28 Westminster sitting, statistics on the time spent by a  
29 pilot on assignment, on board ship and travelling time.  
30 And also the reservation of calling this expert which I





1 have mentioned awhile ago, either a marine surveyor or  
2 naval architect to file a sketch of a ship with an open-  
3 sheltered deck. Except for those, my lord, my case is  
4 closed.

5 MR. JACQUES: You forgot one, percentage  
6 of assignments south of 50.

7 MR. LANGLOIS: Oh, yes, this one also,  
8 my lord.

9 THE CHAIRMAN: Are you ready to go on,  
10 Mr. Bird?

11 MR. BIRD: Yes, I am, my lord. I will  
12 ask Mr. Middleton to take the stand.

13

14 SUBMISSION OF THE VANCOUVER CHAMBER OF  
15 SHIPPING

---

16 KEITH C. MIDDLETON, sworn

17 DIRECT EXAMINATION BY MR. BIRD:

18 Q. What is your full name, Mr.  
19 Middleton?

20 A. Keith C. Middleton.

21 Q. "C" standing for?

22 A. Cowper.

23 Q. And you are now manager of Dodwell  
24 & Co. Ltd.?

25 A. I am now the Resident Director  
26 of this company.

27 Q. How long have you been engaged  
28 in the shipping business?

29 A. I started in the shipping business  
30 in 1922 upon graduation from the university.







1 Q. With what company? Shortly review  
2 your experience?

3 A. Oh, I would say my experience, if  
4 you want to go all the way back, would have started a-  
5 long about 1918, because I worked in the summer times on  
6 the Company's ships and checked on the docks and utilized  
7 my spare time in that manner. I did not become a full-  
8 time employee until the summer of 1922.

9 My first responsibilities were supercargo  
10 on the blue funnel ships which operated in and out of  
11 here in those days. That went from 1922 until the summer  
12 of 1924. Then the company transferred me to their  
13 California offices. I was there till the summer of 1927.  
14 I then went back to Seattle to manage the Border Line,  
15 which was a coastwise operation and a subsidiary of  
16 Dodwell & Co.

17 Q. Seattle being one of the Puget  
18 Sound ports?

19 A. Correct. I carried on as manager  
20 of the Border Line from the summer of 1927 until the spring  
21 of 1941, when I was called to active duty with the Navy.  
22 I was released from the Navy in December, 1946, and  
23 at that time I was told by my company that I was to be  
24 made the manager of the Vancouver office. I actually  
25 came to Vancouver in, I think it was, about April or May  
26 of 1947, and have been here since.

27 Q. Your company is a member of the  
28 Vancouver Chamber of Shipping?

29 A. It is.

30 Q. What is your position with the





1 Chamber of Shipping at the present time?

2 A. At the present time I am or since  
3 the first of the year I have been Chairman of this  
4 Chamber of Shipping. Committee on Pilotage and Navigation.

5 Q. Prior to that time what service  
6 had you on the Pilots' Committee?

7 A. I have been on the Pilots'  
8 Committee for some eight or nine years. I think in one  
9 or two years, I can't tell you exactly, I was Chairman,  
10 but I only became Chairman of it since the first of the  
11 year or since the new election.

12 Q. If you just refer to the brief,  
13 I think I can go through this fairly quickly. Page  
14 1.

15 ---EXHIBIT NO. 106: Brief of the Vancouver Chamber  
16 of Shipping.

17  
18 Q. Mr. Middleton, using your brief  
19 as a reference to assist us if necessary, just tell the  
20 Commission what the Chamber of Shipping is?

21 A. The Chamber of Shipping is an  
22 association of all the steam shipowners, operators and  
23 agents in the British Columbia District. It is affiliated  
24 with the Vancouver Merchants' Exchange. It is a  
25 part of the Merchants' Exchange, but it has its own  
26 autonomy.

27 Q. Will those firms which make  
28 up the Chamber of Shipping be composed entirely of owners,  
29 charterers, merely agents, or what is approximately  
30 the proportion?







1 A. Well, there are relatively few  
2 owners. The only local owner that we had in the  
3 Chamber of Shipping in offshore shipping would be Western  
4 Canada Steamship Company, which is relatively inactive  
5 at the moment. We do have about four or five companies  
6 in this group which are branch offices of British or  
7 American or other steamship companies. People like the  
8 Royal Mail Lines, Furness, Withy, these are branch offices  
9 of the head office in England.

10 Q. Largely owners of ships?

11 A. Yes, owners of ships. I would  
12 say as far as actual owners are concerned it would be  
13 limited to four or five.

14 Q. Yes?

15 A. The other category would be  
16 those people who charter ships in their own names,  
17 local British Columbia corporations that charter ships.  
18 I would guess they would total another four or five.  
19 The rest of the membership is made up of agency companies,  
20 of which ours is one.

21 Q. Now, with respect to the number  
22 of chartered vessels and liners which come here, by  
23 which body or which group are the full cargoes generally  
24 lifted by?

25 A. The full cargo movement is ex-  
26 clusively in the hands of the tramp operators.

27 Q. Those cargoes would be what?

28 A. They would consist of -- most of  
29 the grain is full cargo. Most of the lumber is full  
30 cargo; most of the coal is full cargo. The ore can be





1 either partial lots or full cargoes. These I think  
2 are the basic commodities.

3 Q. With respect to the charter vessels,  
4 lumber in particular, what is the approximate number of  
5 ports at which these vessels load?

6 A. The charter party we use in this  
7 area is the document that is more or less limited to this  
8 area; what we normally refer to as a F.I.O. charter.

9 Q. F.I.O. stands for?

10 A. Free in and out.

11 Q. So that free in and out means the  
12 expenses --

13 A. The charter pays the cost of  
14 loading and/or discharging.

15 Q. Did you tell me the approximate  
16 number of berths at which these vessels generally load?

17 A. That type of charter party normally  
18 calls for six to eight loading berths.

19 Q. And so far as the lifting of  
20 lumber is concerned, where are those loading berths  
21 generally located, in which part of the province?

22 A. They are almost exclusively limited  
23 to the west coast of Vancouver Island, and what we  
24 normally call gulf ports, the gulf ports being those  
25 ports that border the Gulf of Georgia.

26 Q. And largely below or above latitude  
27 50 degrees?

28 A. Mostly below.

29 Q. I do not propose to deal, my  
30 lord, with the history of the pilotage districts. I think







1 that was fairly well covered. On Page 3 of your brief,  
2 Mr. Middleton, you deal with the status of pilots. You  
3 have a recommendation there with respect to the training  
4 of pilots in maneuvering deep-sea ships. Will you tell  
5 the Commission briefly the reason for that recommendation,  
6 and make such comments or observations as you wish?

7 A. Well, the qualifications for a pilot  
8 are set forth in the beginning of that heading, "Status  
9 of Pilots." This of course is taken right out of the  
10 by-laws. Then the Chamber has recommended as follows:

11 "We therefore recommend that provision  
12 should be made for training these men in maneuvering  
13 deep-sea ships before they become pilots. We further  
14 recommend that some provision, other than those presently  
15 in effect, should be made for deep-water men to become  
16 eligible for the pilotage service."

17 The first part of that, of course,  
18 is I think more or less obvious. Present-day ships are  
19 worth an awful lot of money. The newer ships being built  
20 to-day all run in the neighbourhood of \$10,000.000.00 for  
21 a ship. An owner has to more or less put this \$10,000.000.00  
22 investment in the hands of a pilot, and he has every reason  
23 to wish to know that he has a qualified man to handle  
24 that ship.

25 Q. Yes?

26 A. The second part of that, "We further  
27 recommend some provision other than those presently in  
28 effect should be made for deep-water men to become  
29 eligible for the pilotage service", under the rules laid  
30 down in the by-law it is almost impossible in this day







1 and age for a man, a deep-water man, to become a pilot  
2 because he must first of all find a local towboat company  
3 or a local carrier who will employ him. He can't start  
4 in on that with that company as a master in command of  
5 that coastal vessel or towboat. He has got to go through  
6 normal procedure of probably being a second mate, a first  
7 mate, and finally he gets to be a master. So instead  
8 of three years, this winds up to eight or ten years of  
9 service before he is eligible to sit for our examination.

10 Q. Yes?

11 A. Now, the Chamber feels that a deep-  
12 water man after all is the top of this profession. A  
13 man that holds a certificate from the Board of Trade  
14 or from the Canadian Steamship Inspection which entitles  
15 him to be a master of a vessel of any tonnage on any  
16 water is, in our opinion, the top certificate that a man  
17 can get in this profession.

18 It certainly rates higher than a man  
19 in the coastal trades, or what is sometimes referred  
20 to as the home trade.

21 These men first of all must spend years  
22 to get this kind of a certificate. Then by the time they  
23 put in another eight or ten years on the coast, they  
24 are too old to be eligible for the service.

25 It is our feeling that a master mariner  
26 with an unlimited license should be able to join the  
27 pilots service by merely familiarizing himself with the  
28 coast, without spending eight or ten years to do so.

29 Q. Of course so far as the pilot's  
30 job is concerned, familiarity with the coastal waters





1 is essential, isn't it?

2 A. Absolutely essential.

3 Q. Has the Chamber of Shipping given  
4 consideration to how that might be done, or how the  
5 regulations might be amended so as to enable the master  
6 with a deep-water certificate to obtain that necessary  
7 local knowledge without serving as a master of, say,  
8 a tugboat or some other similar vessel?

9 A. Well, he could - having got his  
10 deep-water master's certificate, he is obviously well  
11 qualified to handle and maneuver any size vessel. This  
12 would be paramount.

13 The second part of his training is to  
14 know the coast. We do not think that he has to be in  
15 command for three years to know the coast. He obviously  
16 must have spent enough time on the coast to have gone  
17 over the various runs to familiarize himself with the  
18 various ports of call. But if the man has his deep-  
19 water certificate, surely he can get this familiarization  
20 as a mate as well as a master of a coastal vessel.

21 Q. All right. Now, I would like to  
22 deal with your heading "duty and responsibility of  
23 pilots". You make reference in there to the infallibility,  
24 or rather the fallibility of pilots, which does not  
25 rest with them alone. -- we are all fallible; we all  
26 make errors and mistakes -- but would you tell the  
27 Commission the reasons behind your recommendation appearing  
28 at the bottom of that paragraph on Page 4 which says:  
29 "We respectfully recommend that all inquiries should  
30 be open to the shipowner or master or agent involved and







1 that he be entitled to obtain a copy of the findings  
2 upon proper request".

3 First of all, you had better deal with  
4 the nature of this inquiry. Who holds it? Whose inquiry  
5 is it?

6 A. Well, to the best of my knowledge,  
7 the initial inquiry starts with the pilotage service,  
8 through the office of the Local Superintendent of Pilots.

9 Q. You were not referring then to the  
10 semi-official inquiry conducted or the preliminary  
11 inquiry conducted by the Supervising Examiner of Masters  
12 and Mates, Captain Barber? Are you referring to that  
13 or are you referring to an inquiry held by the Superin-  
14 tendent of Pilots? My friend, Mr. Langlois, tells me  
15 that this is called a fact-finding investigation. What-  
16 ever it is --

17 A. Somewhere in there, I am sure  
18 that the Superintendent of Pilots must question a  
19 particular pilot who might have been involved in an  
20 accident and must get some kind of a statement from  
21 him. This is followed by, as you call it, a fact-finding  
22 board or commission, whatever it is. In the case of  
23 loss of life, of course, it goes still further, but  
24 most of them end at this point.

25 Q. Yes. Would you continue now and  
26 tell the Commission why you consider that the shipowner  
27 or his agent should be entitled to attend at such  
28 inquiry?

29 A. Well, all being humans, as we  
30 are, there are going to be accidents. Generally speaking





1 I think we have got a very fine group of pilots on this  
2 coast, but sooner or later somebody is going to have an  
3 accident.

4 Under the wording of the by-laws, the  
5 pilot accepts no responsibility, or liability is probably  
6 a better way of putting it. It may be a minor accident  
7 such as knocking down a few pilings on a dock. It  
8 might become more serious and knock down a good part of  
9 a dock or it could involve putting the ship ashore.  
10 These things do happen from time to time.

11 Our principal complaint is that neither  
12 the owner nor the owner's representatives are permitted  
13 to sit in on any kind of hearing which is held for  
14 the purposes of mainly determining whether their own  
15 servant, being the master or mate of their ship, had  
16 anything to do with it. Since the master is always in  
17 command, we know that in many instances where there have  
18 been accidents on this coast, the master has been so  
19 severely penalized that he has lost his job.

20 Yet we have no way at the present time  
21 of mitigating that by being able to say, here is a  
22 pilot's testimony, or here is the findings of some  
23 board that might have even relieved the master of some  
24 of this responsibility.

25 Q. Have you asked for permission  
26 to attend these inquiries, and if so, to whom has your  
27 request been presented?

28 A. Well, the only one I have been  
29 involved in, I asked Captain Eddy and was told we were  
30 not permitted to partake in these inquiries.







1 COMMISSIONER SMITH: Excuse me, Mr. Bird,  
2 I would like to find out, the inquiry you are talking  
3 about, is this a private departmental inquiry for their  
4 own departmental purposes?

5 THE WITNESS: Well, sir, I assume it  
6 is, but we are neither permitted to attend nor are we  
7 given any briefs or other information on what has been  
8 done.

9 For instance, we have had accidents  
10 here in the harbour very recently. The most recent one  
11 was the M.S. Granville which went through the jetty  
12 down at La Pointe Pier. The damage there was very sub-  
13 stantial.

14 For my part I have no idea either as  
15 to who the pilot was or whether he was ever criticised.  
16 I do know this, that the man is going to lose his job  
17 when he gets back to Norway because that is the policy  
18 of that company, to fire a man if he has an accident  
19 over a certain value or a certain amount of dollars.

20 Q. Before we leave this subject, as  
21 Mr. Smith has brought out, this may be a private  
22 departmental inquiry. Now, have masters of ships that  
23 you have been concerned with been requested to attend  
24 these inquiries on any occasion?

25 A. Not to my knowledge. Of course  
26 that is very difficult anyway, because if it is a liner  
27 it is probably only in here for a day or at the most  
28 two days, and obviously the inquiry could not be con-  
29 ducted in that length of time.

30 Q. And I take it if your masters or







1 the masters of these ships or officers or other personnel  
2 are required to attend, the department would permit you  
3 or an agent to attend when their own men are being  
4 questioned? Has that been your experience?

5 A. I have never been invited in as  
6 an agent to attend an inquiry. I think we had one accident  
7 here about five years ago.

8 Q. Yes?

9 A. A serious one I mean by that. We  
10 have had lots of little things where they have knocked  
11 down the corner of a dock or done something else.

12 Q. Of what use would a copy of these  
13 findings be to you or to your principals?

14 A. Well, of course --

15 Q. Apart from the possibility that  
16 it may mitigate any penalty that might be imposed by the  
17 owners upon the ship's personnel?

18 A. That of course is the main one.  
19 An owner wants to know to the extent of the fault of his  
20 own employees. That is the basic one.

21 Secondly, you have insurance companies  
22 involved. They would like to have some idea as to what  
23 is going on. Finally, I think most of us in the Chamber  
24 would like to know which of these pilots is having the  
25 accidents.

26 Q. So that there will be no mis-  
27 understanding, Mr. Middleton, you have always I take  
28 it received excellent co-operation from the Superintendent,  
29 Captain Eddy, and the pilots so far as obtaining reports  
30 in which ships may have been involved in an accident?





1 Supposing they strike a dock or supposing they strike  
2 another ship. Hasn't Captain Eddy made arrangements for  
3 you to get in touch with the pilot and have him come  
4 down and see you or your lawyers in the event that a  
5 statement is required or evidence has to be given?

6 A. That is quite correct, yes sir.

7 Q. So that it is not that that you  
8 are referring to?

9 A. No.

10 Q. Is there anything else that you  
11 wish to say about it?

12 A. I think that basically covers it.

13 Q. On the bottom of Page 4, and  
14 continuing over to Page 5, you discuss the organization  
15 of the British Columbia Pilotage Authority here. So far  
16 as the Chamber of Shipping is concerned, I would like  
17 you to state to the Commission what your experience has  
18 been during your many years here with the British Columbia  
19 Pilotage Authority, not necessarily with Captain Eddy,  
20 but with his predecessor, and others connected with his  
21 staff, or others of his staff?

22 A. Well, I have nothing but commend-  
23 ation for the office of the Superintendent of Pilotage,  
24 including all his employees. They have unfailing given  
25 us good service. I sometimes think they have gone out  
26 of their way to help us. We know of instances for  
27 instance where somebody in our own organization may have  
28 neglected to call Captain Eddy's office, and one of his  
29 Dispatchers called up and said "how about it? You have  
30 a ship sailing to-night and I have not got a dispatch







1 order from you yet". All of these things, which are  
2 helpful to us, and their whole administration, their  
3 whole attitude towards the industry couldn't be better.

4 Q. Yes, thank you. Now, in the last  
5 paragraph on Page 5, under that heading you make certain  
6 references to your discussions, or negotiations with  
7 the pilots on matters affecting pilotage. Will you tell  
8 the Commission why this recommendation which appears  
9 in the last sentence: "We recommend that the Guild ---",  
10 that is the Canadian Merchant Service Guild, I suppose,  
11 is it?

12 A. Yes sir.

13 Q. "---should have no place in nego-  
14 tiations involving pilotage matters but that such  
15 negotiations should be conducted through the Pilots'  
16 Association on behalf of pilots"?

17 A. Well, that was briefly touched  
18 on by Captain Gosse when he referred to the pilots as  
19 professional men. We also take this position that pilots  
20 are professional men. They are, or must be highly  
21 qualified men. We recognize this. We would like to deal  
22 with them on this level of qualified, professional men,  
23 and I might add at this point that we have the highest  
24 regard for practically all of the pilots within this  
25 group. I don't think you will find anywhere in Canada  
26 a better group of more qualified pilots, but this  
27 recommendation goes in because we find that although  
28 they call themselves professional men, we can't deal  
29 with them on a professional basis. It inevitably falls  
30 back into a trade union type of negotiation, and this





1 we don't think is right.

2 Q. Just continuing on that line.

3 In your discussions with pilots by and large what forms  
4 the largest part, or largest subject of discussion in  
5 these meetings?

6 A. Well, of course the major hurdle  
7 we had was establishing this procedure we developed to  
8 change the rate structure. That was a long, lengthy  
9 negotiation, and since that one has been settled nearly  
10 all our meetings with the pilots have basically dealt  
11 with what you might call fringe benefits. Such things  
12 as have been mentioned here before, detention, and that  
13 type of thing, carrying the second pilot on the northern  
14 runs, and the charges to go to and from Puget Sound.  
15 This type of thing. We have not discussed any change  
16 in the basic figures which were established some four  
17 or five years ago of so much per ton, so much per foot  
18 of draught, and so much per miles run.

19 Q. Yes, which apparently Captain  
20 Gosse was referring to, and which were included in certain  
21 samples marked Exhibits 94 and 95. I show you Exhibits  
22 94 and 95, in which certain rates, referred to as  
23 basic rates, plus surcharge, appear. Now, have you  
24 any quarrel with what are shown there as basic rates,  
25 the rate on tonnage, the rate on draught, the rate on  
26 mileage?

27 A. No, we have no complaint with  
28 this whatsoever. As a matter of fact we encouraged the  
29 Department to go along and set this up. When I say the  
30 Department, I mean the Department of Transport.







1 Q. All right. Now, continuing at  
2 the bottom of Page 5 of your brief, you deal with the  
3 discharge of pilots, and the three boarding stations, and  
4 you say at the top of Page 6:

5 "There are no resident pilots at the  
6 last two named, with the result that pilots travel as  
7 much as from four to five hundred miles to pilot a  
8 vessel. Were there pilots resident at Prince Rupert,  
9 comparable to those at Nanaimo and Victoria (under the  
10 control and despatched by the Superintendent at Vancouver)  
11 to serve vessels arriving and departing from Northern  
12 B. C. ports, considerable expense and lots of travelling  
13 would be avoided".

14 Now, I would like to deal with the  
15 northern ports of Prince Rupert and Kitimat, and I show  
16 you ---

17 MR. BIRD: I wonder, my lord, if you  
18 wish me to continue with my questioning? I rather observe  
19 that adjourning at half past three is a general rule.

20 THE CHAIRMAN: As you wish. He was a  
21 fresh witness, and that is why I let it go. Make this  
22 point if you like, and at about four o'clock we will  
23 adjourn.

24 Q. Mr. Middleton, I show you a sample  
25 of, or not a sample, but two copies of certain pilotages  
26 charges made in respect of the ship "New York". Whose  
27 ship was that? Was that your vessel?

28 A. The "New York" is owned by the  
29 State Steamship Company, for whom we are agents.

30 Q. Will you just read out what is shown







1 on your category of pilotages charges in respect of that  
2 vessel?

3 A. First of all I might explain that  
4 this on the top is a true bill from the --

5 Q. You are pointing to the invoice?

6 A. This is the true invoice issued  
7 by the Superintendent of Pilots' office. One is for  
8 the inward voyage to Kitimat, and the other is for the  
9 outward voyage. Now, to make it a little --

10 Q. So that we have that identified,  
11 invoice number 101332 relates to the inward voyage from  
12 sea to Kitimat, and invoice number 101374 relates to the  
13 outward voyage from Kitimat via Triple Island. Is that  
14 right?

15 A. That is correct.

16 Q. Yes, would you carry on?

17 A. This is part of their machine  
18 accounting here.

19 Q. By this you are pointing to the  
20 figures?

21 A. To the figures on this bill. So  
22 this sheet is merely breaking it down in chronological  
23 order.

24 Q. This sheet meaning the whitesheet  
25 at the bottom?

26 A. Yes. In order to make it a little  
27 clearer to this Commission and those interested. Item  
28 one, tonnage. This is Cape Beale to Kitimat. The tonnage  
29 charge is \$39.74. Item No. 2, the draught is \$28.00.  
30 Item No. 4, mileage run is \$98.40.





1 Q. Excuse me. You refer to item one,  
2 item two, and item four. How is that identified, or  
3 what do those numbers mean?

4 A. These are the figures opposite the  
5 charges on the Department's bill. They are the identifying

6 Q. And they are marked on the invoice?

7 A. And they are marked on the invoice,  
8 and we have just put them here so that you can find them  
9 on the invoice itself. That totals up to \$166.14. Item  
10 number 5 is the boat charge of \$50.00.

11 Q. The boat at Cape Beale?

12 A. That would be the boat at Cape  
13 Beale, and since we are normally charged fifty per cent  
14 of the boat cost the boat obviously cost a hundred dollars,  
15 for which we are going to pay \$50.00, and the Department  
16 of Transport is paying the other fifty. That gives us  
17 a total of \$216.14 from Cape Beale to Kitimat under  
18 normal circumstances. Now we have to add on the second  
19 pilot. The second pilot gets one-half of the charge of  
20 the first pilot, so that comes to \$83.07. Then we have  
21 the expenses for the two pilots, \$12.87. This is pre-  
22 sumably --

23 Q. \$12.85?

24 A. \$12.85. This is presumably for  
25 their meals in Kitimat. And lastly the detention which is  
26 \$133.10. In other words, insofar as the owner is con-  
27 cerned it cost \$445.16 to get that ship from Cape Beale  
28 to Kitimat.

29 MR. LANGLOIS: Excuse me, that is on  
30 the outside?







1 THE WITNESS: This is on the outside run,  
2 yes sir.

3 Q. What would the detention apply to?  
4 What part of the voyage?

5 A. Well, this vessel went in for what  
6 we call, or in the trade term, a parcel lot. In other  
7 words, we went up there to load a thousand tons of  
8 aluminum ingots, and we got in there for presumably an  
9 eight o'clock start in the morning, and sailed at probably  
10 in the neighbourhood of nine or ten o'clock that same  
11 night, so that this would be the detention for the two  
12 pilots.

13 In other words, on a one-day stand of  
14 that sort it is impracticable to release the pilot and  
15 let him return to Vancouver, and then later on in the  
16 afternoon call up and ask them to send another one up.  
17 So by force of necessity we pretty well have to detain  
18 him there to take the vessel out.

19 Q. What about the detention between  
20 Cape Beale and McInnes Island?

21 A. That would also be in that figure.  
22 From Captain Gosse's testimony it would be some ten hours  
23 I would guess.

24 Q. Well, if it is in excess of six  
25 hours -- it is \$6.05 per hour, with a maximum of six  
26 hours?

27 A. Yes, a maximum of six hours in  
28 any one twenty-four hour period.

29 Q. On the inward voyage are there  
30 any travelling expenses shown, apart from the \$12.85?





1 A. No. Up to that point there would  
2 not be any.

3 Q. So in that case the pilot remained  
4 with the ship?

5 A. He remained with the ship.

6 Q. All right. Now, would you deal  
7 with the outward voyage?

8 A. Now, this vessel finished her  
9 loading on the coast of Kitimat, and consequently sailed  
10 from Kitimat for Japan, so as a result we have pilotage  
11 from Kitimat to sea via Triple Island, which is the pilot  
12 station. Again the tonnage is \$39.74, the draught is  
13 \$29.50, the mileage is \$109.06, for a total of \$178.30.  
14 To this is added the boat charge. Now, this would be  
15 the pilot boat going from Prince Rupert out to Triple  
16 Island. Again the operator, or owner pays one-half of  
17 the cost of that boat, so the fact that we are billed for  
18 sixty indicates that the small boat owner actually got  
19 one hundred and twenty. That brings you to \$238.30.  
20 Now, the second pilot again gets one-half of the cost  
21 of the first pilot, so he got \$89.15. The total expenses  
22 were \$161.15, and the detention was \$84.70, or a total  
23 to take the vessel out of \$573.30.

24 Q. So that the call at that port  
25 to list approximately a thousand tons, or whatever the  
26 parcel shipment was, was something in excess of a thousand  
27 dollars for pilotage in and out?

28 A. The pilotage in and out was a  
29 combination of the two figures I have given you, which  
30 looks like \$1,015.00.





1 THE CHAIRMAN: With the exception of  
2 course of the \$60.00 which is payable to the owner of  
3 the boat.

4 THE WITNESS: The liners do not carry  
5 the bulk materials in there. That is done by tramp ship,  
6 but the liner ships go in there normally for about a  
7 thousand tons of cargo. It is not worth their while to  
8 go for any less, as can be seen from this, but even on  
9 this basis I think we loaded nine hundred and ninety  
10 tons on this particular vessel for \$1,015.00 worth of  
11 pilotage and cost. In other words, it is a little over  
12 a dollar a ton in this case, but I have got cases in the  
13 office where it has run as high as one dollar and seventy-  
14 five cents a ton.

15 Q. What has run as high as one dollar  
16 and seventy-five cents a ton?

17 A. The pilotage cost of getting the  
18 ship in and out of Kitimat.

19 MR. JACQUES: Per ton shipped out?

20 THE WITNESS: Yes.

21 MR. JACQUES: Would you get these documents?

22 THE WITNESS: Well, this is one of them  
23 right here.

24 MR. LANGLOIS: This is not for a full  
25 cargo though?

26 THE WITNESS: This is a part cargo.

27 MR. LANGLOIS: That is not an example.

28 THE WITNESS: Well, this is typical. This  
29 is what happens every day of the week.

30 MR. BIRD: My lord, I gather that Mr.







1 Jacques would like the witness to determine, if possible,  
2 the quantity loaded at Kitimat on this particular ship.

3 MR. JACQUES: Not this particular ship-  
4 ment. He says roughly 990 tons. I think that is close  
5 enough for our purposes. But he referred to a case where  
6 the total pilotage fees --

7 THE CHAIRMAN: And charges.

8 MR. JACQUES: And charges and expenses,  
9 came to \$1.70 a ton, per cargo shipped out, and I would  
10 like to have further information on that point.

11 MR. BIRD: Yes. Well, I wonder if Mr.  
12 Middleton can do this.

13 THE WITNESS: It is going to be difficult  
14 to get because this goes back quite a long time. It  
15 would mean searching every steamer file in our office  
16 until I picked one out. But I do know I was flabbergasted  
17 at that particular one.

18 THE CHAIRMAN: If you can do it without  
19 too much trouble.

20 THE WITNESS: I would be very glad to,  
21 sir.

22 Q. There are certain pencilled  
23 notations on the right-hand side of these invoices.  
24 What are those notations?

25 A. Well, someone asked me what the  
26 gross tonnage of that vessel was. Off hand I couldn't  
27 remember. But using the tonnage figure that is shown  
28 on this bill, and knowing that the tonnage figure is  
29 half a cent a ton, it means that the vessel's tonnage  
30 was 7,948 tons.





1 THE CHAIRMAN: I think we will have a  
2 recess now.

3 ---Short recess.

4 MR. BIRD: I would ask, my lord, that  
5 the pilotage bills which I have been discussing with the  
6 witness be marked as Exhibit 107. They are pilotage  
7 bills showing the total pilotages costs for this vessel  
8 inward to Kitimat and outward from Kitimat.

9 MR. LANGLOIS: That is including what  
10 charges?

11 MR. BIRD: Including everything, the total  
12 pilotage costs. Well, the total costs associated with  
13 getting the vessel in.

14 ---EXHIBIT NO. 107: Pilotage invoices for S. S. New York  
15 dated November 30, 1952, and December  
16 7, 1962. (two invoices)

17 Q. Mr. Middleton, would you please  
18 explain to the Commission what a liner vessel is, a  
19 vessel similar to the S.S. New York, on the movement shown  
20 in Exhibit 107?

21 A. Well, we in the trade refer to  
22 liner services and tramp services. The tramp ships are  
23 vessels which come in either to load a full cargo,  
24 generally to load a full cargo, or to discharge a full  
25 cargo. The liner services are those vessels that are in  
26 regular service between this area and other areas in the  
27 world. There are services from here to the Orient, there  
28 are services from here to Australia, there are services  
29 from here to Europe. The liner companies normally have  
30 anywhere from one to three vessels per month trading in







1 these areas; in other words, going from here to the Orient  
2 and back again. Your liner companies are the steamship  
3 companies who are regular traders in the area. When I  
4 say area, we usually include Puget Sound, British Columbia,  
5 and sometimes the coast, California, Puget Sound and  
6 British Columbia. The local vessel will leave Europe,  
7 come through the Panama Canal, and it will unload cargo,  
8 and then she starts to load again in reverse rotation.

9 Q. Are the dates of arrival regular  
10 at the various ports so far as is possible?

11 A. Generally speaking, the liner  
12 companies try to maintain regular schedules and fixed  
13 dates. This is done both for the benefit of themselves  
14 and for the benefit of the trade. In other words, the  
15 exporter wants to know when his next ship for Japan or  
16 for England will be in, and we try to operate on relatively  
17 well-established schedules. We sometimes miss them due  
18 to accidents or due to fog or due to something else, but  
19 this is the aim of a liner, to maintain regularity of  
20 service.

21 Q. Who in the first instance pays  
22 the pilotage costs?

23 A. Well, the pilotage costs insofar  
24 as Vancouver is concerned would come to the agent of  
25 the owner or to the owner if he happens to have an office  
26 here.

27 Q. And he pays them?

28 A. The billing comes to the Superin-  
29 tendent of Pilots and we pay the Superintendent of  
30 Pilots. But, of course, whatever we have to pay in the





1 way of service charges -- and this includes the pilotage,  
2 the stevedoring, the towboats, the services for other  
3 departments, tow warden -- these are all things which a  
4 shipowner eventually has to pass on to the exporter of  
5 goods.

6 Q. And that would be the Canadian  
7 exporter?

8 A. That would be the Canadian exporter,  
9 yes, sir.

10 Q. I have here another illustration  
11 showing pilotage costs paid by North Pacific Shipping  
12 Company on s.s. Carina. Now, is North Pacific Shipping  
13 Company Limited one of the members of the Chamber of  
14 Shipping?

15 A. North Pacific is a member, yes.

16 Q. Would you outline the charges  
17 in the same way as you did on the previous exhibit,  
18 107, just doing it fairly quickly?

19 A. Well, this is not one of ours,  
20 obviously, it is North Pacific, and I am not completely  
21 aware of the vessel's previous movements, and so on.  
22 But this bill broken down the same as the last one --

23 Q. This bill being invoice No. 102537?

24 A. Yes -- calls for tonnage, \$453.65.

25 Q. From where to where?

26 A. This is from Sand Heads to Kitimat.  
27 It calls for a tonnage of \$453.65, and for draught \$43.00,  
28 or a total of \$496.65.

29 Now, the second pilot on that vessel  
30 would be half of the first one, \$248.32, or a total charge





1 of \$744.97 to take the vessel from Sand Heads, which is  
2 the mouth of the Fraser River, into Kitimat.

3 I would assume from this that the vessel  
4 was probably loading in New Westminster and went down  
5 the river to Sand Heads and proceeded on north by the  
6 looks of it.

7 MR. LANGLOIS: Is this through the inside  
8 passage or the outside passage?

9 MR. BIRD: I will endeavour to get that  
10 information.

11 Q. And the next invoice?

12 A. The second bill is the same vessel  
13 outbound from Kitimat and headed for Port Alberni.

14 Q. That is Invoice No. 107536. Would  
15 you describe the charges there?

16 A. The tonnage is shown here as  
17 \$94.49, the draught \$49.00, mileage \$127.10, plus second  
18 pilot, \$135.29, detention \$145.20, expenses \$16.75,  
19 or a total of \$567.83.

20 MR. BIRD: I would ask that that be  
21 marked, my lord, Exhibit 108.

22 ---EXHIBIT NO. 108: Pilotage invoices for s.s. CARINA,  
23 dated January 28, 1963.

24 COMMISSIONER RENICK: Might I ask what  
25 cargo she took, tonnage?

26 MR. BIRD: I will get that information  
27 as well, Mr. Renwick.

28 MR. LANGLOIS: How long was she in  
29 port?

30 MR. BIRD: In what port?







1 MR. LANGLOIS: In Kitimat?

2 MR. BIRD: We will make a note of that  
3 as well.

4 MR. LANGLOIS: Could I have the date of  
5 that invoice?

6 THE SECRETARY: January 28, 1953. They  
7 are both the same date.

8 THE WITNESS: That would indicate that  
9 she sailed the same day.

10 Q. Yes. From where? From Kitimat?

11 A. Yes. In other words, the inward  
12 and outward billing bears the same date.

13 MR. BIRD: I will obtain the information.

14 Q. Now, returning to your brief,  
15 the top of Page 6 --

16 A. May I just interject for a moment?

17 Q. Yes.

18 A. Just before the recess was called  
19 apparently there was some question about whether this  
20 trip of the NEW YORK was typical.

21 Q. Yes. Would you enlarge on that  
22 please?

23 A. To the best of my knowledge, there  
24 has never been a full cargo out of Kitimat. In other  
25 words, they do take full cargoes of raw materials in  
26 there, but I have never to my knowledge known of a full  
27 cargo of finished aluminum being shipped out of there.  
28 In other words, the outward cargo from that port is  
29 invariably what we in the trade call parcel lots.

30 Q. By parcel lots, what is the





1 approximate tonnage that would be lifted, separately?

2 A. I think most of the companies try  
3 for a minimum of a thousand tons. I know it has been  
4 less at times and it has been a little bit more, but  
5 generally speaking most of the companies would probably  
6 ask the Aluminum Company of Canada for a minimum of a  
7 thousand tons to make the call up there worth while.

8 Q. Now, you refer in your brief to  
9 the expense and loss of time in travelling. Would you  
10 tell the Commission what you mean by the additional  
11 expense which is incurred or what you are referring to  
12 and how it might be avoided?

13 A. Well, there has already been  
14 evidence put in here on the travelling of pilots and the  
15 detention. It really breaks down to this, that the  
16 operator knows before he sends his vessel into Kitimat --  
17 and this applies to other outports equally -- approximately  
18 what she is going to do. In other words, if she is going  
19 in with a full cargo you guess maybe four or five days  
20 to discharge; if she is going in for a small lot you  
21 estimate she is going to unload that or discharge it in  
22 maybe one day. When we send a vessel into an outport  
23 we are immediately confronted with the problem of which  
24 is the cheapest, to hold the pilot on detention or  
25 whether to dismiss the pilot when the ship arrives and  
26 order a new pilot when she is ready to sail. Since they  
27 all come from the mainland, the travelling expenses  
28 get very heavy. Most of it is done by plane; and in  
29 addition to the travelling there are incidentals, getting  
30 to and from planes, meals, other taxi cabs here and there,







1 and this kind of thing. So we have to try to figure  
2 out ourselves, well, is it cheaper to dismiss the pilot  
3 and pay his travelling expenses down to the lower mainland  
4 and then order another pilot and pay his expenses up and  
5 down, or is it going to be cheaper to put the ship on  
6 detention.

7 Q. Yes.

8 A. If your vessel is going to be  
9 there for any length of time, you can dismiss the pilot.  
10 If it is only going to be one or two days stand, we would  
11 probably have to retain the pilot otherwise we wouldn't  
12 be assured of having him there when the vessel is ready  
13 to sail.

14 Q. Supposing there was a northern  
15 station, would those expenses be reduced?

16 A. Well, we feel that the distance  
17 between Cape Beale and Kitimat or Brothie Ledge -- I  
18 didn't mean Kitimat -- Cape Beale and Prince Rupert or  
19 Victoria and Prince Rupert is an awful lot of miles.  
20 It is in the neighbourhood of five hundred odd miles,  
21 and with a coast line of this length, we should have an  
22 intermediate station somewhere which would reduce  
23 travelling time, reduce travelling expenses and even re-  
24 duce detention.

25 Q. What about the E.T.A. that you  
26 receive, the estimated time of arrival notice that you get  
27 from a ship? Does that affect your judgment as to  
28 when the pilot should be despatched or when you should  
29 decide when a pilot should be called?

30 A. In most cases, most of the so-called





1 outports up the coast, you only have one plane a day,  
2 and you assume that this plane is going to leave in the  
3 morning. You must give your instructions to the despatch  
4 office or Captain Eddy's office in time so that you can  
5 minimize the time the pilot is away. At the same time  
6 be sure that you are going to make this connection.

7 Q. What happens if you have despatched  
8 the pilot and the ship is subsequently delayed by weather?

9 A. If she is delayed, under the latest  
10 rules we have, if she is delayed for three hours the  
11 pilots are immediately on detention.

12 We give Captain Eddy the vessel's E.T.A.  
13 to the best of our knowledge, but of course it is a  
14 long way up to Kitimat -- I keep saying Kitimat -- it is  
15 a long way up to Prince Rupert, and although ninety per  
16 cent of the time there is a plane out there every day,  
17 there are occasions during our foggy periods when planes  
18 do not fly, and then we have to make still further guesses  
19 as to what might happen and what might not happen.

20 If we miss our E.T.A. by more than three  
21 hours on a ship that is coming across from Japan, our  
22 pilots immediately are on detention. From Japan to Prince  
23 Rupert is roughly 4,500 miles, and a ship will do roughly  
24 350 miles a day, and it is pretty easy to be considerably  
25 out in the E.T.A. If a ship is going to run into trouble,  
26 it is inevitably just off the coast when they run into  
27 the fog in making the landfall.

28 Q. When normally do you receive the  
29 E.T.A. from the ship? About how many hours out?

30 A. I think most of the companies ask





1 their masters to give them a three-day E.T.A., three days  
2 out, and then a second one twenty-four hours out. This  
3 is the normal procedure. You can't have him radioing in  
4 every four or five hours his changes in position.

5 Q. Now, you have a recommendation in  
6 the second paragraph on Page 6 where you say, reading  
7 from the beginning of the paragraph, "On many occasions  
8 vessels lose up to a day proceeding to the nearest boarding  
9 station to embark a pilot. At present, a vessel may  
10 proceed to her destination without using the services  
11 of a pilot, but must pay the compulsory pilotage fees.  
12 We recommend that where the master of a vessel is prepared  
13 to take his ship to an outport destination and there is  
14 no properly manned pilot station in the area, the ship  
15 should not be required to pay compulsory fees unless the  
16 services of a pilot are used".

17 Now, would you tell the Commission  
18 or add anything to what you have already said for the  
19 benefit of the Commission on that point?

20 A. Well, as I have already pointed  
21 out, there is no boarding station or facilities provided  
22 at the present time from Cape Beale up to Prince Rupert.  
23 There are ships that are more or less trading regularly  
24 into some of these outports where the master has been  
25 in before. It may be innumerable times before.

26 Say if you are coming in from Japan  
27 and you want to make some place north or in north of  
28 Queen Charlotte Sound or in the north end of Vancouver  
29 Island, this ship must go down to Cape Beale first,  
30 and on a great circular route from Japan to this coast







1 you are pretty well cutting down the coast of Queen  
2 Charlotte Island and the coast of Vancouver Island, so  
3 to all intents and purposes you run 120 or 150 miles past  
4 your destination down to Cape Beale, and then pick up your  
5 pilot and go back up the same way again.

6 Q. Which port do you have in mind?  
7 Which ultimate destination do you have in mind where they  
8 go to Cape Beale and come back?

9 A. I was thinking of Ocean Falls  
10 while I was saying this as a typical example.

11 Q. What about Heriot Bay at the southern  
12 extremity of the Queen Charlottes or close to it?

13 A. The same thing is not likely to  
14 apply there although it could. At Heriot Bay a vessel  
15 would be going in to load a full cargo, and as Captain  
16 Gosse said in his testimony, a vessel must, by force  
17 of necessity, enter somewhere.

18 Now, most of the time this will take  
19 them to what we call a port of entry. Heriot Bay is  
20 not a port of entry. Now, if on the other hand she had  
21 already made a port of entry in the southern part of  
22 the province and then went up there, this same thing  
23 would apply.

24 Q. You mentioned ships plying regularly  
25 to certain specific ports. Will you tell the Commission  
26 what the situation is so far as vessels proceeding from  
27 California ports with newsprint -- proceeding to  
28 California ports and return, with newsprint from Vancouver  
29 Island, and particularly from Duncan Bay?

30 A. Well, we have -





1 Q. Are those movements done regularly  
2 by the same ship?

3 A. Yes, they are. There are three  
4 different movements to my immediate recollection involved  
5 in this question which you are asking me. Take Powell  
6 River first. Power River sells a great percentage of their  
7 newsprint production in California.

8 Q. Where is Powell River?

9 A. Powell River is roughly 65 miles  
10 north of Vancouver on the Straits of Georgia.

11 Q. It appears on Page 2 of the brief  
12 of the British Columbia Pilots, my lord, and as you see  
13 it there it is above Vancouver, Port Mellon, and then next  
14 above that, Powell River.

15 A. At the present time they have two  
16 vessels carrying newsprint from Powell River to  
17 California ports. Each of these vessels makes a sound  
18 trip every two weeks so that they would have two sailings  
19 a month carrying full cargoes of newsprint from Powell  
20 River to California. In other words, they have got  
21 twenty-six sailings I would say a year for each one of  
22 these vessels.

23 If a master has been in and out of a port  
24 like Powell River for 26 times in a year, we feel he is  
25 pretty well qualified to take his vessel in and out on  
26 his own.

27 Now, the other one that would be involved  
28 with a somewhat similar movement, the newsprint movement  
29 from Port Alberni down to California. To the best of  
30 my knowledge that is once a month on that ship. In other







1 words, that master is making twelve round trips a year  
2 from up and down the Alberni Canal and in and out of  
3 Port Alberni.

4                   The third one I think would be a trip  
5 from Ocean Falls, which again is a newsprint mill to  
6 California. Duncan Bay is another newsprint mill owned  
7 by the same company, and although I am not too familiar  
8 in recent years with their operation, I think they combine  
9 their Ocean Falls and Duncan Bay tonnage into one voyage  
10 to go down to California.

11                   Q.     What about the Japanese ore  
12 carriers taking ore from Beaver Cove and Heriot Bay?

13                   A.     Practically the whole of the ore  
14 trade between Vancouver or between British Columbia and  
15 Japan is handled by Japanese tonnage. The various  
16 Japanese lines have set aside in many instances specific  
17 ships to carry this ore. In other words, they travel  
18 back and forth exclusively in that trade. They will  
19 come into this ore loading port, pick up a full cargo,  
20 sail to Japan, discharge it and come back in ballast  
21 for a second cargo.

22                   Q.     They do it month in and month out?

23                   A.     It would take a vessel in that  
24 trade probably including the loading, the going to Japan,  
25 the discharging and coming back, and again depending  
26 on the speed of the vessel, would probably be a six week  
27 voyage. In other words, he might be making a round trip  
28 every six weeks.

29                   Q.     Does that form the basis of your  
30 recommendation appearing at the bottom of Page 6 where you





1 say: "It is our recommendation that in the case of  
2 regular traders between B.C. ports and California ports  
3 where vessels are on regular schedules or runs of  
4 approximately one voyage a month there should be no  
5 compulsory payment of pilotage dues"? That is the result  
6 of your findings, is it?

7 A. That is correct. The Chamber of  
8 Shipping feels that vessels that are going in and out of  
9 one of these ports with the frequency that those paper-  
10 carrying vessels do should be relieved of this additional  
11 expense because, as I have said before, if a master has  
12 made twenty-five or twenty-six voyages a year in and out  
13 of one place, he has probably made as many as most of  
14 the pilots have in that same year.

15 Q. Now, continuing on down to the  
16 heading "Scale of Fees" on Page 7, you make the point that  
17 the Scale of Fees ought not to be matters for discussion  
18 with the pilots, and you recommend that these fees should  
19 be arrived at and agreed upon by the Department of  
20 Transport or other governing bodies and the Chamber of  
21 Shipping.

22 Would you tell the Commission the basis  
23 for that recommendation?

24 A. Well, for years and years we found  
25 that we were negotiating with the pilots what you might  
26 say blind. It was only in the last five years that we  
27 have had any direct and specific knowledge as to what  
28 the pilots were making. Prior to that it was more or  
29 less by guess and by gosh as to the best way we could  
30 figure it.





1 Q. Their earnings in terms of money?

2 A. What they were earning in terms

3 of money. Then in the last few years through the Depart-

4 ment we have been able to get some of this information,

5 but the pilots are first of all negotiating with the Chamber

6 of Shipping on what the rate should be from A to B.

7 Then this is incorporated into an Order-in-Council and

8 by-law, and this becomes the charge.

9 We feel that since the pilots are

10 presumably more under control of the Department of

11 Transport than they are under the operators of the ships

12 that this amount of money they make either per year,

13 per month or per voyage is something that should be

14 negotiated as between the pilots and the Department of

15 Transport or some governing body rather than with us.

16 We in turn are only interested in what

17 does it cost to move the ship from A to B. I think that

18 generally is what you are asking.

19 Q. Yes. So far as the pilots them-

20 selves are concerned, are you satisfied with the work

21 that they are doing?

22 A. Yes. I think that the pilotage

23 services that are offered to us in this area are

24 probably superior to any place else in Canada to the

25 best of my knowledge. We can only commend the pilots.

26 They are certainly a well-qualified group of men. We

27 don't like to be in the position of quarrelling with them

28 on whether they should get another \$5.00 here or another

29 \$10.00 there or do this or do that, particularly since

30 they are not our employees, and as I say, are under the







1 direct supervision of the government.

2 Q. Apart from your apparent dispute  
3 on these various charges in the form of fringe benefits,  
4 or however you wish to describe them, are your relations  
5 with the pilots generally good?

6 A. I think they are quite good. As  
7 a matter of fact three of them that I know have been  
8 my own direct employees in earlier years.

9 Q. Now, you refer to the remuneration  
10 of the pilots at the bottom of Page 7, and you refer to  
11 the practice of pooling the incomes, and you say that  
12 this results in remuneration far in excess of that  
13 warranted by the services the pilots perform, by the  
14 qualifications required to be a pilot, by the responsibility  
15 they bear, and comparable remuneration in industry,  
16 both ashore and afloat, and that received by their  
17 superiors in the Department of Transport.

18 Now, would you just tell the Commission  
19 briefly before we go into this subject the basis for those  
20 observations?

21 A. Well, this ties back into this  
22 previous recommendation which you were just questioning  
23 me on. We as ship operators are basically and primarily  
24 concerned with what it costs us to operate our ships.  
25 This is our basic problem, but secondly whatever happens  
26 to pilots has a direct bearing on what we have to do  
27 with everybody else in this industry. You can't have one  
28 group of people in any industry either being underpaid  
29 or overpaid without this being reflected in allied  
30 industries, and other similar types of jobs. Now, although





1 we recognize the worth of our pilots, and we are satisfied  
2 with their services, and even commend them for what they  
3 do, if a pilot gets excessive income in our opinion then  
4 this calls for an immediate boost in income for everybody  
5 else who is associated with this vessel anywhere along  
6 the line in its operation. It goes all the way down  
7 to the stevedores loading this vessel at the bottom, and  
8 this compounds itself, and you pretty soon find your  
9 operating costs getting to the point where you can't  
10 profitably carry on, and industry will eventually suffer  
11 from it. The pilots' remuneration in our opinion ought  
12 to be somewhat comparable to what similar services  
13 cost in other directions.

14 Q. Yes. Now, you refer here to the --  
15 you give certain figures with respect to coastwise tanker  
16 service, and the figure of \$810.00 per month appears,  
17 and that figure relates to a master's pay does it?

18 A. That is correct, yes.

19 Q. And tugboat class 1 of \$619.00  
20 per month? Now, one of your members, Westward Shipping  
21 Limited, has provided you with a letter showing the  
22 rates of pay of masters of coastal tankers operated by  
23 them, which have been in effect since January 1st, 1962.  
24 Was that received by the Vancouver Chamber of Shipping?

25 A. Yes it was.

26 MR. BIRD: This is a letter, my lord,  
27 dated March the 13th 1963, and it was sent to the Vancouver  
28 Chamber of Shipping by Westward Shipping Limited, and  
29 gives these rates of pay:

30 "Re: Master's Rate of Pay"







Dear Sir:

In answer to your request, re the rate of pay for the Masters on our coastal tankers, the following rates are those that have been in effect since January 1st, 1962.

Senior Master	-	\$770.00 per month
2nd Senior Master	-	745.00 per month
Junior Master	-	730.00 per month

In addition to the above rates, the masters are also supplied room and board for approximately 22 days per month.

It is anticipated that within the next few weeks the above rates will be increased by approximately 3 per cent, thereby making the new rates: -\$795.00, \$770.00, and \$750.00."

MR. LANGLOIS: My lord, I have no objection to this letter forming part of the evidence provided the author of this letter is brought forward and submitted to cross-examination, because I know that this letter is far from being complete from my instructions. They have fringe benefits which have been eliminated. There is pension funds, and things like that, which are not mentioned there.

MR. BIRD: Oh, there are certainly other benefits.

MR. LANGLOIS: Yes, and I would like to know what they are.





1 MR. BIRD: Well, we can certainly call  
2 the author of the letter. We can, and I thought it might  
3 be preferable, put in the union agreement, where they  
4 will all be disclosed.

5 MR. JACQUES: We would prefer that if  
6 you would put in the union agreement.

7 MR. BIRD: Yes, I shall be doing that.

8 ---EXHIBIT NO. 109: Letter dated March 13, 1963 from  
9 Westward Shipping Limited to  
10 the Vancouver Chamber of Shipping.

11 MR. BIRD: There is one agreement, your  
12 lordship will recall, that is already in. I think that  
13 is applicable only to tugboats, and would not include  
14 tankers, but we will obtain the one applicable to tankers.

15 MR. LANGLOIS: My lord, in this respect  
16 I don't know about the agreements here on the west coast,  
17 I must confess, but I know that on the east coast of  
18 Canada the Canadian Merchant Services don't negotiate  
19 for a master's agreement. They negotiate agreements for  
20 the hiring of mates only, and I am informed that it is  
21 the same situation on the west coast.

22 MR. BIRD: Well I am not certain Mr.  
23 Langlois. That may well be, but I will find out.

24 MR. LANGLOIS: My client is a member of  
25 the Guild, and he ought to know.

26 MR. BIRD: Well, I don't dispute that.  
27 I am sure that Captain Gosse would be most knowledgable  
28 about these matters, but I will get the agreement  
29 relating to Masters.

30 MR. LANGLOIS: There are not agreements





1 relating to Masters.

2 MR. JACQUES: Would you, Mr. Bird, get  
3 the agreement, then we will find out whether the masters  
4 are covered or not. If they are not covered, then you  
5 can ask your man to come up and cover the masters.

6 MR. LANGLOIS: If the agreement does  
7 not cover the masters are you going to bring the author  
8 of this letter?

9 MR. BIRD: Yes, I will be glad to, if  
10 he is available.

11 Now, at this time my lord I would like to  
12 put in a second agreement, which I have shown to my  
13 friend, covering the B.C. Coast Steamship Service and  
14 the Canadian Merchant Service Guild. This agreement is  
15 not signed, but I will certainly have it certified by  
16 the railway company, or by the Guild. In fact I would  
17 be quite glad to produce a copy which perhaps my learned  
18 friend, Mr. Langlois' clients may have, and if that is  
19 acceptable to him, perhaps that could be filed.

20 MR. JACQUES: Perhaps Captain Gosse,  
21 being a member of the Guild, could certify this document  
22 right away?

23 MR. BIRD: Well, he might have to check  
24 it. That might be marked for identification in the mean-  
25 time.

26 ---EXHIBIT NO. 110: Copy of agreement between the  
27 Canadian Pacific Railway Company,  
28 B.C. Coast Steamship service and  
29 the Canadian Merchant Service  
30 Guild.

MR. BIRD: This agreement reads:







1 "1. Recognition - the Company recognizes the Guild as  
2 the sole collective bargaining agent for all Masters  
3 and Deck Officers employed on B. C. Coast Steamship Service  
4 vessels of the Company." And this deals with masters'  
5 rates of pay.

6 Captain Gosse it is optional --

7 MR. BIRD: Well, I am not prepared to say  
8 what the situation is as far as the tankers are concerned,  
9 but this Canadian Pacific agreement appears to include  
10 tankers.

11 Q. Mr. Middleton, you refer to the  
12 pilots' earnings. Now, I understand that some of these  
13 figures are not quite accurate, and that it may be due  
14 to obtaining them, or setting them down incorrectly,  
15 or setting down incorrectly the figures you got from  
16 Captain Eddy. Now, for the purposes of the record,  
17 and so that the Commission may make corrections, would  
18 you state the errors which appear in these figures on  
19 Page 8?

20 A. Well, this schedule of gross pay  
21 and take-home pay after pension deductions, as shown on  
22 Page 8 of our brief, starts with the year 1956. They  
23 are all accurate down to a few cents, with the exception  
24 of the year 1957, and I don't know how we got off here,  
25 but we show the gross pay of the pilots in 1957 as  
26 \$13,829.00, whereas a subsequent figure given to us through  
27 the Superintendent of Pilots showed that that should have  
28 been \$14,936.00. Now, likewise on the take-home pay after  
29 deduction, we showed \$12,446.00, and the Superintendent  
30 of Pilots' figures, given to us after we had prepared





1 this, showed \$13,298.17. This is for the year 1957.

2 MR. LANGLOIS: What is the last figure  
3 you gave?

4 THE WITNESS: We show \$12,446.00. The  
5 correct figure is \$13,298.17.

6 Q. Should not that be 1958?

7 A. It is 1957 here.

8 MR. BIRD: Yes, I think it should read  
9 1958, my lord. Instead of \$14,783.00 for 1958.

10 MR. LANGLOIS: My lord, wouldn't it be  
11 much simpler to get the author of these figures to put  
12 them into the record. We will be guessing what they  
13 are otherwise.

14 MR. BIRD: I have no doubt that they  
15 will be, Mr. Langlois, but I am merely wishing to correct  
16 this brief.

17 THE WITNESS: I have got them in the  
18 wrong year. All this applies to 1958, not 1957.

19 MR. BIRD: Apart?

20 THE WITNESS: The rest of the figures  
21 were all accurate within a few cents here and there,  
22 but we prepared this brief prior to receiving the exact  
23 figures from the Superintendent of Pilots, and as I  
24 understand it his exact figures are going in anyway,  
25 and will supercede anything we have in this brief.

26 MR. LANGLOIS: I am sorry. They didn't  
27 come from you. Don't say they are accurate. Let the  
28 other man say it.

29 MR. BIRD: Oh yes, he will Mr. Langlois.  
30 I don't want you to be concerned. We are only interested







1 in getting the figures accurately stated.

2 My lord, I think I might just as well  
3 conclude at this point, and I can deal shortly with the  
4 other matters under the heading tomorrow.

5 THE CHAIRMAN: We will adjourn until  
6 to-morrow morning at 10:00 a.m.

7  
8 ---At 5:05 P.M. the Hearing was adjourned until  
9 10:00 A.M. on 14th day of March, 1963.

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# ROYAL COMMISSION

ON

## PILOTAGE

HEARINGS

HELD AT

VANCOUVER

B. C.

VOLUME No.:

**7**

DATE:

MARCH **14** 1963

**OFFICIAL REPORTERS**

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
in the Federal Building,  
Vancouver, British Columbia, on  
Thursday, the 14th day of March,  
1963

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques, Q. C.

Mr. Leopold Langlois, Q.C., for the Canadian  
Merchant Service Guild, Inc.

Mr. J. I. Bird, Q.C., for Vancouver Chamber  
of Shipping and Aluminum Company of  
Canada.

Also Present:

Capt. F. S. Slocombe, Department of Transport  
and Liaison Officer.

Capt. J. S. Scott, Technical Advisor to  
Commission.







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1 ---On Resuming at 10:00 a.m., March 14, 1963.

2 THE SECRETARY: Mr. Middleton, you are  
3 still under the same oath.

4 THE WITNESS: Yes, sir.

5 MR. BIRD: Mylord, Members of the Board,  
6 I have obtained a certified copy of the Canadian Pacific  
7 Railway agreement with the Canadian Merchants' Service  
8 Guild, and with your leave I would like to substitute a  
9 certified copy for Exhibit 110 which has already been  
10 marked.

11 MR. JACQUES: Before my learned friend  
12 continues with his examination, I beg to advise the  
13 Commission that the agreement between the members of the  
14 British Columbia Towboat Owners' Association and the  
15 Canadian Merchants' Service Guild will be replaced by a  
16 certified copy of the agreement. The exhibit which has  
17 been filed is not certified.

18 MR. LANGLOIS: Mylord, with your leave  
19 I would like to substitute for Exhibit 94 which was filed  
20 yesterday --- as your lordship will recall, I made some  
21 corrections to it --- a copy to be substituted for the  
22 other one.

23 MR. BIRD: Secondly, my lord, an  
24 exhibit, which I do not appear to have the number of,  
25 which was filed giving the pilotage wages for the s.s.  
26 Carina ----

27 THE CHAIRMAN: Yes, 108.

28 MR. BIRD: And I had undertaken to  
29 find out what that ship did and where she went. The  
30 information obtained from North Pacific Shipping Company





1 Limited, who were agents for the vessel, is that the  
2 vessel loaded 918 tons at Kitimat and remained there for  
3 one day. She very probably proceeded by way of the  
4 inside passage, that is through Johnstone Strait. North  
5 Pacific advised me that they can only recall one occasion  
6 on which vessels sent to Kitimat through their agency  
7 proceeded by way of Cape Beale. That is around the outside.

8 I think that was the extent of the  
9 information requested, mylord.

10 My friend Mr. Langlois requested that  
11 I produce the gentleman who signed the Westward Shipping  
12 letter referring to the wages paid by that company to  
13 masters of coastal tankers, and I have been able to do a  
14 little better; I can produce and will produce at two  
15 o'clock Mr. Murray Williams, who is the manager of the  
16 company, and he will be able to testify with respect to the  
17 wages paid.

18 THE CHAIRMAN: Thank you.

19 MR. BIRD: Now, at the adjournment  
20 yesterday, mylord, I was dealing with certain matters  
21 appearing on page 8 relating to the pilots' wages or  
22 earnings, and before continuing with my examination on  
23 that point I would like to put in, after identification by  
24 the witness, the pilotage charges levied in respect of a  
25 typical lumber charter, which your lordship will recall  
26 is a little bit different, because they load from six to  
27 eight berths in the lower mainland area. This relates to  
28 a vessel --- perhaps the witness could tell me about it.  
29  
30







1 DIRECT EXAMINATION BY MR. BIRD (Continued):

2 Q. I show you a sheaf of papers,  
3 amongst them ---

4 A. This has reference to the vessel  
5 "HARPALYCUS". This is a British ship owned by J & C  
6 Harrison & Company, a British owner.

7 Q. Who were the owners' agents?

8 A. The company I represent are normally  
9 the owners' agents here in British Columbia. In this  
10 particular case the vessel had been on an extended time  
11 charter, and the North Pacific Shipping Company were the  
12 agents for the time charter. As a consequence, they  
13 brought the vessel into Vancouver and delivered her over  
14 to Dodwell & Company as the owners' agent to terminate the  
15 time charter, and it was again chartered. As a result of  
16 this, these bills are made out through Capt. Eddy's office  
17 to three different sources, but I gathered them up, and  
18 as the owners' agent we paid them regardless of whom they  
19 were billed to.

20 Q. With respect to the documents you  
21 have in your hand, would you tell the Commission what that  
22 ship did?

23 A. This ship went from sea  
24 to Vancouver. Just after leaving Vancouver she had a  
25 D/F calibration on her way to Victoria, she went from  
26 Victoria back to Sand Heads, up to New Westminster, out of  
27 New Westminster to --- no, wait a minute --- at Sand  
28 Heads, Nanaimo --- yes, this is outbound again. The out-  
29 bound river bill and the inbound river bill is all on one.  
30 The British Columbia Coast Pilots took over at Sand Heads,







1 she went to an anchorage at Nanaimo, then she went from  
2 the anchorage in Nanaimo alongside the dock, and then she  
3 went from Nanaimo to Vancouver. She returned from  
4 Vancouver to Sand Heads, went up the Fraser River and back  
5 down, Sand Heads to Victoria and Victoria to sea.

6 This is what I mentioned yesterday as  
7 a typical lumber charter calling for six to eight loading  
8 ports. She was in Vancouver twice. She was in New  
9 Westminster twice. Other vessels might make, say, Victoria,  
10 Port Alberni and Port Tahsis. There are ten or twelve  
11 normal lumber loading ports in this lower gulf area, and  
12 I never know exactly what the rotation is going to be or  
13 to which of the various ports she is going. Most of  
14 these ports have mills at the port, and some mills are  
15 owned by one charter and some mills by another. So they  
16 do not always follow the same route, but generally it is  
17 a typical voyage.

18 Q. What governs the rotation of the  
19 ports?

20 A. Well, basically, of course, in  
21 loading a ship you have to put into the ship first the  
22 cargo that is coming out last, and, consequently, if  
23 Nanaimo, for instance, has a cargo for, we will say, three  
24 discharging ports to go on, they have to go out the first  
25 time and load the cargo which will be the last port of  
26 discharge in the U.K. and go back to what would happen  
27 to be the first port of discharge. We can vary that  
28 slightly by taking advantage of a vessel's tween deck,  
29 but there is only one thing you can do, and that is put  
30 in the cargo which is coming out last, within general  
limits





1 Q. Mr. Middleton, you will observe on  
2 this exhibit there is a list totalling up twelve figures.  
3 First of all, what is the total?

4 A. The total is \$1,933.39.

5 Q. What are those figures?

6 A. Well, this is merely --- I simply  
7 added up all these bills on the adding machine and this  
8 is the tape off the adding machine for the bills I have  
9 already enumerated.

10 Q. And do these twelve items indicate  
11 separate charges for pilotage?

12 A. Each one is a separate charge. As  
13 a matter of fact, in the case of the river they are doubled  
14 up. They only supply us with one bill for the trip up  
15 and the trip down.

16 MR. LANGLOIS: Are you filing that,  
17 Mr. Bird?

18 MR. BIRD: Yes.

19  
20 ---EXHIBIT NO. 111: Sample of Pilotage Charges  
21 levied for particular lumber  
22 charter for eight loading  
23 berths (m.v. HARPALYCUS).

24 THE WITNESS: I might add for the  
25 benefit of the Commission, that there are a great number  
26 of this type of voyage. I would guess that between the  
27 three companies that are doing this type of chartering we  
28 must have somewhere between ten and twelve a month of  
29 this type of voyage.

30 MR. BIRD: Mylord, my friend Mr. Jacques







1 has advised me and perhaps indirectly pointed out that we  
2 should not listen too closely to what some operators say  
3 what their ships did unless they are quite certain of it.  
4 The ship Carina, according to Capt. Eddy, after breaking  
5 down the mileage, did not take the inside passage, but  
6 took the outside passage in this case, from Kitimat to  
7 Alberni.

8 Q. Witness, if you would now refer to  
9 your brief, and I would like to start at the bottom of  
10 page 7 under the heading of "Remuneration". You refer  
11 to the practice of pooling the income, and you say that  
12 this practice "results in remuneration far in excess of  
13 that warranted by the services the pilots perform, by  
14 the qualifications required to be a pilot, by the  
15 responsibility they bear and comparable remuneration in  
16 the industry both ashore and afloat and that received by  
17 their superiors in the Department of Transport".

18 Now, would you please tell the  
19 Commission the facts behind that statement?

20 A. Of course, everybody, regardless  
21 of their job or their occupation, is always looking for  
22 more remuneration. We are not anti-pilot or against the  
23 pilots, but we are in the unhappy position of having to  
24 try and exercise some measure of control over our operating  
25 costs, and operating costs are, most of the time, pretty  
26 much personal services and labour. It is easy enough to  
27 say yes, yes, yes to every increase that is asked of you,  
28 but as soon as some group, some individual, some person  
29 begins to get too far out of line with what is paid in  
30 the industry, it immediately creates a target for everybody





1 to shoot at, and in so doing our operating costs could  
2 very quickly and easily get completely out of hand if we  
3 did not try to call a halt to some of these things. This  
4 in turn is reflected all the way along the line. If a  
5 pilot gets a wage that becomes excessive compared to what  
6 other people in the industry get, why, as I said before,  
7 everybody then starts shooting at that and you get the  
8 stevedoring superintendents wanting what a pilot gets.  
9 We have used towboats almost all the time, and the towboats'  
10 masters say they should get that, and if the towboats'  
11 officers and crews get out of hand the towboats' costs get  
12 out of hand. All these costs are borne by the ship. It  
13 has been fairly common to say, oh, let the ship take the  
14 bill, that the ship is a completely impersonal thing. All  
15 these things are reflected in the freight rate which is  
16 paid by the Canadian exporter, and as the costs go up,  
17 the transportation companies have no alternative but to  
18 raise their freight rates. This is going to hurt Canadian  
19 exporters, because I know from personal experience that  
20 a difference of fifty cents a ton in a bulk quantity will  
21 enable the Canadian exporter to compete and sell it in  
22 another country.

23 We were talking about the aluminum  
24 company yesterday. If we have to name an unreasonably  
25 high rate to the aluminum company, they cannot make a  
26 sale in competition with the Kaiser Company or Reynolds  
27 Company out of the United States.

28 These are just the economic factors of  
29 life. We have to keep some kind of control and some kind  
30 of ceiling on all these activities.







1 Now, in a ship there are a great many  
2 people involved, all the way from the shoreside staff to  
3 the ship personnel, to auxiliary services, to people such  
4 as Capt. Eddy and his superiors in the Department of  
5 Transport. All these people eventually become interested  
6 in what a particular segment of the industry gets.

7 Q. Thank you. What have you got to  
8 say as to whether or not it would desirable to have a  
9 fixed remuneration, a fixed fair remuneration for pilots?

10 A. Well, it would be rather difficult  
11 under the existing system to arrive at a fixed remunera-  
12 tion. We might, with some scheme whereby it would be  
13 possible to name a minimum and a maximum, for instance.  
14 Another way of getting around it, of course, is that the  
15 pilots could all become civil servants and then their  
16 remuneration is definitely fixed.

17 Generally speaking the pilots have  
18 wanted it the way it is, and we have up to this point  
19 gone along pretty well with them. They like to classify  
20 themselves as professional men and have wanted to take  
21 their chances. However, under the existing system as can  
22 be seen from the continuing increases in their take-home  
23 pay and the distribution of their pool, using a mathema-  
24 tical progression, these could go to \$25,000.00 or  
25 \$35,000.00 a year, way beyond what Capt. Gosse said  
26 yesterday of \$20,000.00 plus his pension contribution.

27 Q. Well, how does the Chamber of  
28 Shipping view the declared attitude of the pilots that  
29 there should be no ceiling, and that if they could possibly  
30 get more, they are going to do their best to attain the







1 A. Well, this comes back to what I  
2 said a moment ago. We have to try and maintain some  
3 stability and some reasonableness in what is paid to  
4 everybody. We do think this, however, that we have a  
5 very long coastline. There are ports scattered the whole  
6 length of this coast, and it is quite understandable that  
7 some of these areas may not be, as you may say, self-  
8 supporting.

9  
10 Therefore, we do feel that somewhere  
11 along the line it may and probably will become necessary  
12 for the pilots' earnings in a particular remunerative  
13 area to subsidize their activities in some area where you  
14 do not get this large volume of traffic. This is not  
15 unusual. We run into this every day of the week. B.C.  
16 Electric was subsidizing the transportation company here  
17 out of the earnings of the electricity distribution. We  
18 run into a very nasty situation here three or four years  
19 ago. It was something comparable to this. The port  
20 wardens which are required under the Canada Shipping Act  
21 to examine ships before they sail were working on a  
22 strictly fee basis, and we woke up to the fact here that  
23 the port warden in Vancouver was making a fantastic  
24 salary, and that the port warden in Nanaimo and the port  
25 warden in Victoria were literally starving to death.

26 This does not help the industry. It  
27 does not give us the kind of service we want, and in  
28 that particular case the Department of Transport eventually  
29 saw fit to put the port wardens under Civil Service, and  
30 now the man in Nanaimo is being, to all intents and  
purposes, subsidized by the port warden in Vancouver.





1 These are facts of life. This is the way we have to get  
2 along.

3 Q. So that the port wardens' charges,  
4 no matter which port they may be employed to look after,  
5 are uniform?

6 A. The charge to the ship is uniform,  
7 yes, but the fees collected in Vancouver probably run ten  
8 times what they are in Nanaimo.

9 Q Now, what is it that makes Kitimat  
10 and/or Prince Rupert a more expensive port pilotage-wise  
11 than the lower mainland?

12 A. The basic rates of tonnage, draught  
13 and miles run are the same throughout the whole district,  
14 and we do not quarrel with them in the least. At Kitimat,  
15 however, and Prince Rupert, the problem is the great  
16 distance for transportation. It is all air transportation.  
17 The expenses involved after the pilot gets there, plus  
18 the detention time, and of course, as we have already  
19 said, carrying the second pilot on these runs.

20 An examination of any of the bills  
21 that are presented to any of the agents always disclose  
22 that the incidentals -- and when I say "incidentals", I  
23 mean incidental to the draught, to the tonnage and the  
24 miles run --- usually about double up the bill.

25 Q. So that although there may be a  
26 large investment in the outlying ports of the province,  
27 the cost associated with getting the goods out of there  
28 is substantially higher than the more settled areas in  
29 the lower mainland?

30 A. That is quite correct. One of the







1 difficulties we have in this situation is that the  
2 Province of British Columbia, under its Department of  
3 Trade, and the Federal Government under its Department of  
4 Trade and Commerce, they are encouraging industry to  
5 come on to the west coast, to settle at these various  
6 places. Again coming back to Kitimat, as I remember when  
7 they built that place a few years back, the newspaper  
8 reports were to the effect they spent \$90,000,000.00 up  
9 there. This is an awful lot of money to invest in an  
10 industry in the north part of our coast, to try and  
11 develop our coast, and then to have the whole thing  
12 negated by throwing in charges which make operation out  
13 of that port completely impossible.

14 Q. You are not suggesting it is made  
15 impossible merely by increased pilotage charges?

16 A. No, this is just one of any number  
17 of things that enter into it.

18 Q. Now, with your knowledge of the  
19 British Columbia coast, and excluding a voyage up the  
20 inside passage, are you aware of any place on the coast  
21 where, after picking up a pilot vessel or picking up a  
22 pilot, the normal steaming time in reasonable weather is  
23 likely to exceed twelve hours?

24 A. Would you ask me the question  
25 again, please?

26 Q. Are you aware of any port on the  
27 British Columbia coast that cannot be reached by a vessel  
28 having picked up a pilot in approximately twelve hours,  
29 allowing for reasonable weather, not heavy fog for an  
30 extended period of time, or that?





1 A. I would say in this day and age  
2 with the faster ships, that from the time a vessel passes  
3 into pilotage waters that she should be able to reach her  
4 destination in twelve hours.

5 Q. You speak of faster ships. By and  
6 large, what speed are you talking about?

7 A. Well, I think for the purposes of  
8 this inquiry we would probably have to talk in terms of  
9 about fourteen knots. Your tramp ships, of course, are  
10 generally a little slower than your liner services, and  
11 if we go back to the end of the war when the American  
12 Liberty ships, the British Empire ships and the Canadian  
13 Park ships were predominant, they were mostly nine and  
14 ten-knot ships.

15 Most of these ships have now disappeared,  
16 or certainly will disappear within the next few years.  
17 They are being substituted by new and better vessels  
18 which will normally run, oh, twelve to fourteen knots.  
19 When you get into the liner services, you are generally  
20 talking about ships that do fifteen, sixteen, eighteen and  
21 even our new ships are all doing twenty.

22 Q. By your new ships you mean?

23 A. I am referring to the States Line  
24 whom we represent who have just completed building six  
25 new ships with a guaranteed sea speed of twenty knots,  
26 loaded sea speed of twenty knots.

27 Q. Returning now to page 8 of your  
28 brief, and at the middle of the page after you have  
29 quoted the figures, you say "the reduction of earnings in  
30 1961 and 1962 is almost wholly accountable for by loss of







1 revenue resulting from the refusal of B.C. pilots to go  
2 to Puget Sound and the subsequent disagreement between the  
3 B.C. pilots and Puget Sound pilots as discussed later  
4 under 'international waters'."

5 We will get to the reasons for the  
6 dispute shortly, but on what do you base this statement  
7 that the reduction in earnings was largely caused by this  
8 refusal of the pilots to go to Puget Sound?

9 A. Well, there is not too much  
10 difference in the mileage --- we will take a ship leaving  
11 Vancouver, heading for Seattle. There is not too much  
12 difference in the mileage that the pilot uses from  
13 Vancouver to Victoria versus the mileage from Vancouver  
14 down to a place off the international boundary where they  
15 formerly switched position with the American pilot.

16 Since the draught and the tonnage and  
17 the miles run are substantially the same, the only other  
18 factor in that is the \$60.00 which we paid the pilot to  
19 leave his district. Practically every liner that entered  
20 the port of Vancouver covers the range of this coast,  
21 so that as far as your liner ships are concerned, I would  
22 hazard a guess that probably three a day take this or  
23 maybe four a day. Perhaps Capt. Eddy would be able to  
24 give you the exact figure, but anyway, it is substantial  
25 enough that this \$60.00 we paid the pilot to carry on to  
26 Seattle and return would account, I would suspect, for at  
27 least \$1,000.00 a year, although I think that figure can  
28 be verified through the Superintendent of Pilots.

29 Q. I think we have dealt with the  
30 next paragraph with respect to the increase in earnings.







1 I would like you to deal with the next heading, "Control  
2 of pilotage affairs" at the bottom of page 8. You say  
3 "We believe that because of the multiple pilotage districts  
4 in Canada it is extremely difficult for the Department of  
5 Transport, with their many problems, to give the pilotage  
6 situation the amount of time it requires. We contend that  
7 many problems could be solved, both local and national,  
8 if a Pilotage Commission or Board, comparable to the  
9 National Harbours Board, where the Commission is appointed  
10 for extended terms, were set up."

11 You mention in your first sentence the  
12 fact that the Department is not able to give the matter  
13 of pilotage sufficient attention. Now, with respect to  
14 the Department representatives here, particularly Capt.  
15 Eddy and his staff, are you aware as to what staff Capt.  
16 Eddy has available to conduct the affairs of his Department?

17 A. I do not know the people in Capt.  
18 Eddy's employ by name. I know basically what he has down  
19 there. He has himself and his assistant, who is also  
20 present here. He has to maintain a twenty-four-dispatch  
21 system down there. That accounts for three people. I  
22 know he has got a stenographer, and I think he has got  
23 one extra person. That is all I remember seeing around  
24 his office.

25 Q. Notwithstanding the limited staff,  
26 do you receive prompt answers to your questions and  
27 reasonably speedy dispatch of problems that you have which  
28 you require his assistance on?

29 A. Yes. I could not speak more highly  
30 of Capt. Eddy's office. I do not know anybody that has





1 gone out of their way to the extent that he has to give  
2 the industry a boost.

3 Q. What I am dealing with is whether  
4 you find that there are delays or whether your work or  
5 your questions are speedily dealt with there.

6 A. If it is a question that can be  
7 dealt with locally, in other words, if Capt. Eddy has the  
8 authority to deal with it, we get very prompt and good  
9 service.

10 Now, a great deal of the time he comes  
11 to us and says "This involves a lot of statistical infor-  
12 mation which I cannot supply to you on a moment's notice."  
13 He usually is most gracious and says "If you will give me  
14 time I will dig it up."

15 Q. All right. You continue on the top  
16 of page 9 and say that you think that some central  
17 commission or board should be set up. Now, what do you  
18 think that such a commission or board could accomplish and  
19 why do you feel it would benefit the industry?

20 A. Well, we feel that the present  
21 procedure is difficult and clumsy. The Department of  
22 Transport are the only people who can finally fix a rate  
23 of remuneration for the pilots or a charge here or there  
24 or somewhere else, because it eventually has to be done  
25 through a bylaw, through an Order-In-Council. In other  
26 words, it has to be an amendment to the Canada Shipping  
27 Act.

28 We are not too happy with the present  
29 situation where the Department of Transport turns around  
30 and says to us if you can negotiate something with the







1 pilots and the pilots agree, we will put it in the bylaws.

2 This means that we have to negotiate  
3 with the pilots over every little thing that may occur,  
4 and their desire to improve this or improve that. Then if  
5 we come to an agreement, it is relatively simple. It goes  
6 through. If we do not come to an agreement, nothing is  
7 very likely to be done.

8 We do not feel that we should be in a  
9 position of discussing with the pilots the rates that are  
10 charged to the industry between ports or for any conditions.  
11 We feel that the Department of Transport or a new body of  
12 some sort should consult with us over the question of the  
13 charges between here and there and what effect it will  
14 have on industry and what it will do and so on. We do not  
15 mind discussing this with them, but we think that whoever  
16 is in control of this situation then should be negotiating  
17 with the pilots.

18 The way it is now we negotiate some-  
19 thing on this coast, and this becomes an objective for  
20 some pilot association along the Seaway or the Atlantic  
21 coast to shoot at. They get something back there, and  
22 this is something for the pilots here to shoot at, yet  
23 we have no direct knowledge of what is going on there,  
24 nor do we, until very recently we did not even know what  
25 our own pilots were making out here. When I say very  
26 recently, five years.

27 Q. Well, first would a ceiling or a  
28 fixed remuneration enable you to dispense with all these  
29 negotiations?

30 A. Well, we think so. We think that a





1 better system might be to set up a Commission, gathering  
2 commissioners from the geographical parts of Canada, to  
3 deal with pilotage clear across Canada, and keep the  
4 conditions more or less in line everywhere, and this  
5 Commission, well, we have suggested something comparable  
6 to the National Harbours Board, which controls the harbours  
7 mostly all across Canada. We do not have to go down and  
8 negotiate with people in the National Harbours Board over  
9 how much they are going to make. Now, this of course is  
10 only a suggestion on our part. It is up to the wisdom of  
11 this Commission to decide which type of thing would be  
12 done .

13 Q. You have suggested that such a type  
14 of Commission would be able to cover the whole picture,  
15 and was that one of the matters which made such a proposi-  
16 tion attractive from your thinking, that is to say that  
17 this Board, or this Commission, this body, would be able  
18 to deal fairly with pilotage districts throughout the  
19 country, and the pilots within them?

20 A. We feel that would be the case,  
21 and we do not really believe that the remuneration to the  
22 pilots should be based strictly on the rate from A to B  
23 or C to D, because, as I said earlier, we feel that some-  
24 where along the line some run has got to be subsidized.  
25 Therefore, it means that the Commission, or the Department  
26 of Transport, or whatever you gentlemen decide in your  
27 wisdom should be set up, that you have got to collect a  
28 reasonable rate from the industry, from the steamships,  
29 and you might distribute it all. You might have to hold  
30 some back to subsidize some place else. I do not know.





1 Q. I would now like to come to this  
2 problem that has developed in Puget Sound. This appears  
3 under the heading International Waters, on page 9 of your  
4 brief.

5 Oh, excuse me, my lord. Before I get  
6 to that I had best deal with this while we are still on  
7 the point of the pilots. The letter from Capt. Bennett,  
8 which was Exhibit 104.

9 THE CHAIRMAN: The B.C. Pilots' letter  
10 of the 20th of July, 1961?

11 MR. BIRD: Yes, that is the one, my  
12 lord.

13 Q. Now, Mr. Middleton, I show you  
14 Exhibit 104. You will see on the first page certain  
15 pencilled notations in the left-hand margin. What are  
16 they?

17 A. This letter came in addressed to  
18 Capt. Clark, who was the Chairman of our Committee up  
19 until I took over the first of the year.

20 Q. That is the Pilotage Committee?

21 A. The Pilotage Committee of the  
22 Chamber of Shipping. I saw the letter when it came in,  
23 and we asked Mr. Sankey, the Secretary, to put notations  
24 opposite these items showing what the pilots were earning  
25 at the time, just so the Committee could see what the  
26 increases were.

27 Q. Well, we will just deal with the  
28 pencilled notations on page 1. For example, there is the  
29 figure \$36.00 over \$50.00. What does that mean? Does  
30 that mean that they were getting \$36.00 and wanted fifty?







1 A. They were getting \$36.00 and some  
2 cents, I cannot quite see those, and they asked for  
3 \$50.00.

4 MR. LANGLOIS: My lord, at this  
5 point I think the witness to give these figures should be  
6 Mr. Sankey.

7 MR. BIRD: Well, we will call Mr.  
8 Sankey if you wish. We will do that, my lord. I thought  
9 we could shorten it up if we did it this way.

10 MR. LANGLOIS: It is putting inadmissible  
11 evidence into the record whether it is a short-cut or not.

12 THE WITNESS: Before we get on to this,  
13 this is the last item on our agenda, and we had a previous  
14 recommendation in this, which I do not think I clarified  
15 too well yesterday.

16 Q. You mean in the brief?

17 A. In our brief. So, before we get  
18 on to the last item, I would like, with the permission of  
19 the Court ---

20 THE CHAIRMAN: You may go ahead.

21 THE WITNESS: We had a recommendation  
22 in there that there should be an intermediate boarding  
23 station somewhere between Cape Beale and Prince Rupert.  
24 We refrained in this brief from pinpointing a specific  
25 spot, because this is something that is going to require  
26 the combined efforts of a lot of people, and we --- first  
27 of all, any seafaring man knows that a ship coming in from  
28 sea has to make a landfall. Well, if he is going to make  
29 a landfall, he has got to have the proper aids to  
30 navigation, powerful lights, proper foghorns, D/F stations,





1 and this kind of thing. Also, you have got to have a  
2 proper, seaworthy boarding boat, and because of these  
3 requirements, which go beyond the realm of the Chamber of  
4 Shipping, we purposely avoided trying to pinpoint a spot,  
5 feeling that this was going to take the combined efforts  
6 of the pilots, the Department of Transport, ourselves, and  
7 a lot of other people, to select the right place.

8 Q. Now, just before leaving this  
9 question of this Pilots' letter, Exhibit 104, Capt. Gosse  
10 stated that the Vancouver Chamber of Shipping had refused  
11 to discuss these demands for increases in various charges.  
12 Did you attend that meeting?

13 A. I think I have attended most of the  
14 meetings that have been held in the last couple of years,  
15 and I know insofar as our Committee is concerned, and  
16 certainly insofar as I am concerned, I have never refused  
17 to meet anybody associated with our industry.

18 Q. Have you refused to discuss the  
19 demands of the pilots at any time?

20 A. I would not say we had refused to  
21 discuss them. We have refused to accept them, shall we  
22 say.

23 Q. Turning now to this point on the  
24 Puget Sound issue, will you tell the Commission what  
25 occurred to bring this dispute to a head?

26 A. This is a long story, sir.

27 Q. Well, make it as brief as you can,  
28 without leaving out any of the facts?

29 A. The pilots submitted to the  
30 Chamber of Shipping a letter, itemizing the changes they







1 wanted to have made in the bylaws. All of these were  
2 upped one way and another.

3 Q. Approximately when was that?

4 A. This was the letter you just showed  
5 me. I think it was 1959.

6 Q. No, this was a letter dated July  
7 the 20th, 1961.

8 A. '61, that is it, yes, that is the  
9 letter anyway.

10 MR. BIRD: I was showing the witness  
11 Exhibit 104.

12 THE WITNESS: Among other things in  
13 this list of improvements the pilots wanted was an increase  
14 in the travelling and detention charge which we had been  
15 allowing them to go to and from Seattle. In our meeting  
16 with the pilots we conceded the increase on that particular  
17 item, because that was the charge that was being paid by  
18 the Puget Sound Ship Operators' Association to their  
19 Puget Sound pilots.

20 Q. Would you define the charge more  
21 definitely?

22 A. We were allowing \$36.00, it goes  
23 through my mind, and the pilots asked for sixty. I am  
24 not quite ---

25 MR. JACQUES: You may refer to the  
26 letter if you wish.

27 Q. Yes, will the letter help you?

28 A. Well, it should be in the letter.  
29 Well, I know very well it is in here, but I cannot spot  
30 it.





1 Q. Let me ask you this. Was a  
2 request made by the pilots that the Puget Sound rates be  
3 increased to \$60.00 for all ports on the eastern and  
4 southern shore, including Tacoma and Port Angeles, and  
5 \$100.00 to all other ports, contingent upon the pilots  
6 putting on six more pilots, and all other rates remain  
7 unchanged?

8 A. That is correct. We had been  
9 talking about a \$60.00 charge to go south of Tacoma to  
10 Olympia, and to go into ports on the west side of Puget  
11 Sound. All of this we agreed to basically because of  
12 the fact that this was what the Puget Sound pilots were  
13 getting for the opposite movement, and it seemed reasonable  
14 and fair for two groups covering the same waterways and  
15 under the same conditions, and everything else the same,  
16 that we should agree to this. But we declined the rest  
17 of their request.

18 Now, shortly thereafter we were notified  
19 by the Superintendent of Pilots that the Pilots were  
20 asking him to eliminate any further despatch to Puget  
21 Sound. We were also advised that the former practice of  
22 a pilot standing by a ship which happened to arrive in  
23 Vancouver an hour, or two hours before she could dock,  
24 and she then waited that period and took her in to dock,  
25 that that was ended, and there would be a strict inter-  
26 pretation of the bylaws, meaning that if they hit Vancouver  
27 at five o'clock in the morning and dropped the hook, the  
28 pilot was finished, and if they moved into dock at seven  
29 o'clock in the morning that constituted a moving charge.  
30 Further than that, if this period became too extended, we





1 had to provide a launch to take the pilot ashore, and  
2 another launch to take the new pilot out at seven o'clock  
3 in the morning.

4 These were the two changes made by the  
5 pilots. Well, as a result of this we in the Chamber were  
6 no longer able to despatch a Canadian pilot down to Puget  
7 Sound, and as a consequence the American pilots took  
8 advantage of the fact to bring the vessels all the way up  
9 to Point Roberts, which is the boundary between Canada  
10 and the United States basically by using Rosario Strait  
11 instead of Haro Strait.

12 Q. I show you Exhibit 61. Now, you  
13 will observe the point A in Haro Strait opposite San Juan  
14 Island. Now, was that the route which had been followed  
15 previously by ships going to Puget Sound for the past, say,  
16 35 years?

17 A. To my personal knowledge, for 35  
18 years Haro Strait has been considered the main channel  
19 between the Gulf of Georgia and the Strait of Juan de Fuca.  
20 It has always been considered to be the best lighted and  
21 the safest channel, and has consequently, as I said  
22 before, been used to my personal knowledge for over 35  
23 years.

24 Q. Yes, now I am going to give you a  
25 blue pencil, and would you just put an arrow showing the  
26 route followed by the Puget Sound pilots after the  
27 Canadian pilots had refused to go to Puget Sound?

28 You have put two arrows in blue pencil  
29 up Rosario Strait, or three arrows, four arrows in blue,  
30 and a fifth arrow, with a blue cross.







What position is the blue cross?

A. The blue cross marks the international boundary between Canada and the United States. I have made my cross on the boundary line.

Q. On the 49th parallel?

A. Yes.

Q. Yes, just put a B there, will you?

Did the American pilot leave the vessel there? Was he dropped there?

A. How this came to pass, we through the Chamber of Shipping, requested the Department of Transport to activate the boarding launch operating out of Steveston for the benefit of the Fraser River pilots, and make that available to the B.C. Coast Pilots.

Q. Where?

A. This pilot boat lays right off the jetty to the Fraser River. This line represents the jetty.

Q This line being a black line,  
which is really an extension of the northerly bank of the  
Fraser River. Just put your blue pencil along it. Would  
you see if you can underline it?

A. Well, this is a jetty starting here at Steveston, and running out to this point, where it says twenty feet there.

Q. And that is called what?

A. This is called Sand Heads. This name is a little confusing, because for years and years and years the Department of Transport maintained a lightship off the Sand Heads. The lightship would probably



[The main body of the page contains several paragraphs of text that are extremely faded and illegible. The text appears to be organized into sections, possibly separated by headings or subheadings, but the specific content cannot be discerned.]



1 have been about in the position where I have put this  
2 little circle.

3 Q. You have put a circle in blue?

4 A. Yes.

5 Q. Yes?

6 A. When this jetty was extended --  
7 the last time it was extended the Department of Transport  
8 withdrew the lightship and put a light at the end of the  
9 jetty.

10 Q. I do not know whether I covered  
11 this, but from your knowledge where was the American  
12 pilot dropped?

13 A. He came in on to Vancouver.

14 Q. When did the Canadian pilot take  
15 over, at what point?

16 A. Theoretically, the American pilot  
17 would stop his piloting at Point X, although my Point X  
18 should have been further out into the strait.

19 Q. The boundary line?

20 A. But it is still on the boundary  
21 line, and the master then had to proceed approximately  
22 five miles from the boundary line to the boarding lodge  
23 over the edge of the jetty, where he was picking up the  
24 Canadian pilot.

25 Q. So in effect there was no pilot in  
26 charge or carrying out pilotage duties between the boundary  
27 line and the Sand Heads boarding station?

28 A. Approximately five miles. I have  
29 not got a pair of dividers, but I think that is about it.  
30 It is five and a quarter miles, I make it, but I am not  
too sure.







1 Q. Five to six miles between the  
2 point where the American pilot ceased his duties and the  
3 point where the Canadian pilot took over; is that right?

4 A. Yes.

5 Q. Now, what happened as a result of  
6 that development?

7 A. Well, this situation was, to put it  
8 mildly, most --- the pilots just did not like it at all,  
9 at which I am frankly not surprised.

10 Q. Why did they not like it?

11 A. Well, this cut them out of some  
12 45 miles of pilotage; whereas they used to start their  
13 pilotage down here at a point between Discovery Island and  
14 Lime Kiln.

15 Q. At a point between Discovery  
16 Island and Lime Kiln. Just put a mark there in red.

17 A. There is Discovery Island.

18 Q. You have underlined Discovery  
19 Island in red?

20 A. Yes; and Lime Kiln is on this ---  
21 it does not show on this chart, and I am not just sure  
22 where it is there.

23 Q. I think it is probably just about  
24 opposite the word "Island".

25 A. No, I think it is lower down.

26 Q. In any event, from Lime Kiln to  
27 where?

28 A. Well, the international boundary  
29 comes down approximately the middle of Haro Strait between  
30 these two places, and this is where the change-over between





1 the American and Canadian pilots took place.

2 Q. "This" being between Lime Kiln and  
3 Discovery Island?

4 A. At a point between Lime Kiln and  
5 Discovery Island. Under this change that took place, the  
6 Canadian pilots lost the pilotage from this point I have  
7 just described all the way, Haro Strait, and up into Georgia,  
8 clear to the northern extremity of the international  
9 boundary, which I guess is about 45, 50 miles. It is  
10 roughly 42, 43 miles.

11 Q Well, that is pretty close. So  
12 that was lost to the Canadian pilots?

13 A. This was lost to the Canadian  
14 pilots. They lost the miles run. It had no effect on the  
15 tonnage or the draught, but they did lose the miles run.  
16 As a result of this situation, their B.C. coast pilots  
17 came to the Chamber and said that they realized they had  
18 made a mistake and solicited our help in trying to rectify  
19 this situation, and we were only too happy to go along  
20 with them and said: "Sure, if you will accept the \$60.00  
21 expenses and detention to go to Seattle and forget the  
22 rest of your request to us, we will be very happy, we will  
23 do what we can to rectify this situation". So we suggested  
24 to the Department of Transport that that boarding station  
25 revert to its former use for the Fraser River pilots,  
26 and we thought everything would assume its former  
27 procedures. However, it did not take long to find out  
28 that the Puget Sound pilots had gained so much on this  
29 extra mileage that they were not willing to give up.

30 Q. Perhaps that is not difficult to





1 A. So as a result of that, the  
2 operators found themselves paying duplicate pilotage from  
3 this point that I previously marked between Discovery  
4 Island and Lime Kiln up through Haro Strait to a point off --  
5 well, it is a point between Pators Island, that is the  
6 American side, and the light at East Point. We were  
7 paying duplicate pilotage, we were paying that 35 miles  
8 through the Canadian agents to the Canadian pilots, and  
9 we were paying for the same pilotage through the American  
10 agents of the ship to the American pilots.

11 Q. I do not quite follow that. Would  
12 you explain for the benefit of the Commission and for  
13 myself again as to why or how you were paying duplicate  
14 pilotage for that area?

15 A. Well, when we abandoned Sand Heads  
16 we went back to the former procedure. Now, I am slightly  
17 in error there, and I will correct it. The Canadian  
18 pilot was getting paid from Victoria up because they were  
19 boarding at Victoria, but the American pilot was getting  
20 paid up to East Point.

21 Q. I am afraid I am still not clear  
22 on it. Where does the duplication lie?

23 A. The duplication lies not in the  
24 fact that there were two men on board, but in the fact that  
25 the American pilots were billing mileage clear to the  
26 border.

27 Q. To what point? To Sand Heads,  
28 through Rosario Strait?

29 A. Yes, clear to Sand Heads.

30 Q. How were they doing that if the ship







1 was not proceeding by that route?

2 A. They claimed that this was their  
3 area. In fact, we never actually paid this duplicate  
4 charge, because as soon as we learned what was in the  
5 wind the Puget Sound people decided they would not  
6 despatch their pilots to Vancouver. This is now the  
7 situation. As of now the American pilot on a northbound  
8 trip goes from Seattle to Port Angeles, gets off the  
9 vessel, the master takes her across the strait to Victoria.  
10

11 MR. JACQUES: Would you underline  
12 Port Angeles in red on Exhibit 61, please?

13 THE WITNESS: Yes. The American pilot  
14 gets off at Port Angeles, the master of the ship takes his  
15 vessel across the Strait approximately fifteen, sixteen,  
16 seventeen miles, to a point off Brothie Ledge, where  
17 the Canadian pilot boards.

18 Q. You have marked Brothie Ledge  
19 with a cross. Put a circle around the cross.

20 A. Yes, off the entrance to Victoria  
21 harbour, and the buoy is just about my circle.

22 Q. And the Canadian pilot takes over  
23 there and they proceed on?

24 A. Yes, up Haro Strait to Vancouver.

25 Q. That is the situation as it exists  
26 now?

27 A. That is the situation as it exists  
28 now. If we tried to carry both a Canadian pilot and an  
29 American pilot, as we did for 35 years or 40 years, we  
30 would definitely be paying duplication of pilotage charges  
between this point off Discovery Island and this point





1 off East Point.

2 Q. All right. Now, so that we have  
3 it quite clear --- you have outlined the position as it  
4 exists now --- would you outline the position again for  
5 the benefit of the Commission as it existed before this  
6 change, through Haro Strait?

7 A. Well, my personal knowledge of  
8 this situation goes back to the time I started in this  
9 business in 1922, which is now getting to forty years,  
10 but in all the intervening years, and undoubtedly for  
11 some time before I came into the picture, Haro Strait had  
12 been the recognized passage. There had always been an  
13 interchange of the Canadian and American pilots at a  
14 point between Discovery Island and Lime Kiln.

15 Q. At that point the Canadian pilot  
16 would take over and the American pilot would stop piloting;  
17 is that right?

18 A. Quite right. Just as a matter of  
19 interest, it was Capt. Gosse's father, our company's  
20 pilot, who introduced me to all of these intricacies.

21 Q. When the American pilot stopped  
22 piloting he stayed on board and got off at Victoria, did  
23 he?

24 A. I do not follow your question.

25 Q. Did the American pilot stop pilot-  
26 ing and continue with the ship to Vancouver?

27 A. He would carry right through to  
28 either Vancouver or perhaps a port on the east coast of  
29 Vancouver Island. He may have been going into Nanaimo.

30 Q. And he would then leave the ship  
and return to his home?







1 A. Yes, and return home, and for this  
2 he was getting this \$60.00 charge as I previously  
3 mentioned.

4 Q. On the reverse route the Canadian  
5 pilot would stop piloting at Lime Kiln where the American  
6 pilot would take over, the Canadian pilot would then  
7 carry on with the ship to the Puget Sound port, and at  
8 that place would leave the ship and return to his home;  
9 is that right?

10 A. That is correct. It might have  
11 been Everett, it might have been Olympia or any one of  
12 half a dozen places.

13 Q. Now, coming back to the situation  
14 as it exists today, does the ship have to go out of its  
15 way in order to acquire the American pilot at Port Angeles,  
16 and, if so, what distance approximately, presuming it is  
17 going to Vancouver?

18 A. The vessels that are involved in  
19 this situation are mostly liner ships, and we can assume  
20 that a liner is doing fifteen knots or thereabouts. It  
21 is mostly more, so I am taking a conservative figure at  
22 fifteen knots. It means between three and four hours  
23 delay to the ship, depending on the speed with which they  
24 can debark one pilot and pick up another. If the weather  
25 is bad, this is going to slow it down; if it is good and  
26 the ship can maintain way, they can probably do it in  
27 three hours, I mean it will probably mean a deviation of  
28 about three hours. We normally do our shifting at night-  
29 time. This means that a vessel leaving Vancouver at nine  
30 or ten o'clock at night tries to be in Seattle for an





1 eight o'clock start in the morning; in other words, have  
2 their longshore gang there at eight o'clock. Conversely,  
3 a ship leaving Seattle tries to arrange her schedule to  
4 dock here before eight o'clock because this is the  
5 beginning of the work day, and by force of necessity in  
6 ordering your longshore gangs you have to give them a  
7 despatch order the day before. So if we have ordered  
8 five gangs for eight o'clock start, they are going to  
9 get paid through to noon whether they are going to do  
10 any work or not.

11  
12 Now, this three-hour deviation can  
13 mean the difference between getting it here at eight  
14 o'clock or arriving in the middle of the morning and  
15 paying dead time to somewhere in the neighbourhood of  
16 75 men.

17 Q. What has been done by the Chamber  
18 of Shipping with the Pilots' Commission to put this  
19 situation right or to return to the old days?

20 A. Well, we had a meeting in Belling-  
21 ham between representatives of the Puget Sound Shipowners'  
22 Association and representatives of the Vancouver Chamber  
23 of Shipping. This meeting lasted a matter of three or  
24 four hours.

25 Q. Were the pilots of either group  
26 present?

27 A. No. We discussed the pros and  
28 cons of this thing, and the operators from both sides  
29 immediately concluded that we should go back to the old  
30 system which had been in vogue for so many years. The  
question was the best way to go at it, and it was decided







1 that perhaps the best way would be to try to get the two  
2 groups of pilots to voluntarily come to an agreement.  
3 As a result of that, we arranged for a meeting a few  
4 weeks later, and we in the Vancouver Chamber of Shipping  
5 invited representatives of our pilots, the Puget Sound  
6 operators invited representatives of their pilots, and  
7 again we all met in Bellingham. The operators tried to  
8 break the ice and sort of get the wheels moving, and  
9 after a lunch the operators on both sides withdrew and  
10 said: "You people have a little common sense. What can  
11 you come up with?" None of us was present at the meeting,  
12 but I gather from what was told me after the pilots  
13 returned that it was a complete fiasco.

14 Q. I am instructed that the British  
15 Columbia pilots were prepared to return to the old system  
16 and to carry on as they had been doing before and cooperate  
17 fully in that respect, but that the Puget Sound pilots  
18 were not. What do you know about that?

19 A. To the best of my knowledge, that  
20 is a true and correct statement.

21 Q. Did you have any conversation or  
22 communication from the Attorney General of the State of  
23 Washington regarding this matter?

24 A. Well, the Chamber of Shipping kept  
25 after the Puget Sound Ship Operators' Association, and,  
26 as a matter of fact, still are, trying to find a solution  
27 to this situation. While these discussions had been going  
28 on, the Pilots' Commission for the State of Washington  
29 applied to the Attorney General of the State of Washington  
30 for a ruling as to where or as to the extent of the State







1 of Washington Pilotage jurisdiction. The Attorney General  
2 from the State of Washington, after some six months,  
3 finally advised the State of Washington Pilotage Commission  
4 that the pilotage district for the State ran clear to the  
5 international boundary.

6 I might enlarge on that slightly.

7 There has been compulsory pilotage in the State of  
8 Washington since some time in the thirties, but for years  
9 and years the Puget Sound pilots were willing to terminate  
10 their services under this compulsory pilotage at what we  
11 refer to in the trade as the peckline. Now, the peckline  
12 is a line drawn by the United States Coast Guard from  
13 headland to headland which was done for the purposes of  
14 defining the boundary as between the abdication of  
15 international rules of the sea and the inland rules of  
16 the sea.

17 Following this dispute we got into,  
18 they decided that they were not going to be limited by  
19 the so-called peckline any longer, and were going to go  
20 clear to the international boundary. Now, the international  
21 boundary line runs right straight up the middle of Haro  
22 Strait, and we, as B.C. operators and our counterparts in  
23 Puget Sound, have both taken the position that the  
24 American pilots have no particular right to demand  
25 pilotage in that Strait for vessels going from, we will  
26 say, Seattle to Vancouver if they are not going to demand  
27 the same thing on vessels going from Victoria to Seattle,  
28 because they operate over the same Strait, over the same  
29 routes. There is just no difference.

30 In navigating that Strait, which has





1 two or three turns in it, obviously a vessel sort of cuts  
2 the corners, so they might be in Canadian waters going  
3 around this corner and they will be in American waters  
4 going around that corner. From the point of view of just  
5 plain logic, if the American pilots are going to demand  
6 pilotage on that Strait for vessels en route between  
7 Seattle and Vancouver, they should also demand it on  
8 vessels between Victoria and Vancouver. This is just  
9 plain logic.

10 Q. But up to date they have not done  
11 so?

12 A. Up to date they have not done so.

13 THE CHAIRMAN: We will adjourn for a  
14 few minutes.

15 ---Short Adjournment.

16  
17  
18 Q. Mr. Middleton, just to clear up  
19 one point that may not have been clarified, what did the  
20 pilots receive or what were they to receive if they went  
21 to Puget Sound by way of detention plus travelling  
22 expenses, say, to Seattle?

23 A. They were to collect their normal  
24 pilotage dues to the change-over point, and for going on  
25 down to Puget Sound they were to receive \$60.00 for the  
26 major ports, close ports, and I think it was an additional,  
27 if my memory is right, an additional \$20.00 to go on as  
28 far as Olympia.

29 Q. Would you agree with \$40.00? A  
30 total of \$100.00 if they went ---







1 A. I think that is right, yes. This  
2 \$60.00 to \$100.00 was to reimburse the pilots for their  
3 detention, their lost time and their expenses to get  
4 themselves back again.

5 Q. Yes. You refer to the movement up  
6 Rosario Straits as a result of the Puget Sound pilots'  
7 action, and this boarding station at Sand Heads. Have you  
8 anything to add with respect to that boarding station at  
9 Sand Heads which was established as a result of this  
10 Puget Sound pilots' move?

11 A. Yes. I think I used the words  
12 "cancelled out". That was not quite correct. I think I  
13 remember now the Department of Transport used the word  
14 "suspend". In other words, it is still there and it can  
15 still be used, but it is temporarily suspended with  
16 respect to vessels going from Vancouver down to Puget  
17 Sound, and this suspension was agreed upon because we  
18 still had a problem on vessels going into Bellingham and  
19 Anacortes on Rosario Strait.

20 Q. Who was this agreement reached  
21 with, the suspension of this boarding station at Sand  
22 Heads?

23 A. Basically the suspension is done  
24 by the Department of Transport. I think the Chamber of  
25 Shipping and the Pilots' Association agreed to a suspension,  
26 and this in turn was passed to the Department of Transport  
27 through the Superintendent of Pilots, and they were the  
28 ones that put in the suspension.

29 Q. Now, Mr. Langlois has kindly given  
30 me a telegram, an original telegram, addressed to Capt. W.A.





1 Gosse, Chairman, Pilots' Committee, signed by J. R.  
2 Baldwin, Deputy Minister, reading "Confirming telephone  
3 conversation with Mr. Booth, notice to mariners being  
4 issued suspending immediately Sand Heads as boarding  
5 station for British Columbia pilots".

6 Did you receive or do you recall  
7 receiving a copy of this telegram?

8 A. I do not remember having received  
9 this telegram, but I know this information came to us  
10 through the Chamber of Shipping.

11 I cannot tell you now whether it came  
12 to us -- I cannot personally tell you whether it came to  
13 us through Capt. Eddy's office or direct from the Depart-  
14 ment, but I know we had that information.

15 Q. Yes, thank you.

16 MR. LANGLOIS: I have no objection to  
17 filing this telegram.

18 MR. JACQUES: By unanimous consent to  
19 be filed without authentication.

20 MR. LANGLOIS: What is the date?

21 MR. BIRD: April 19, 1962.

22  
23 ---EXHIBIT NO. 112: Telegram dated April 19,  
24 1962.

25  
26 MR. BIRD: My lord, I think it might  
27 be of assistance to the Commission if I filed, providing  
28 my learned friends agree, a copy of what purports to be  
29 an opinion delivered to the Honourable Jerry Hagan,  
30 Director of Labour and Industries, General Administration





1 Building, Olympia, Washington, from the State of  
2 Washington's Attorney General's Department covering the  
3 question of the rights of American pilots with respect to  
4 their pilotage district. It is dated December 12, 1962.  
5 I understand Commission counsel has a copy. I think it  
6 is agreed that it be filed.

7 THE WITNESS: May I add just one point  
8 there for clarification?

9 Q. Yes.

10 A. Mr. Jerry Hagan, I gather from  
11 what you have just said, signed that as the head of the  
12 Department of Labour and Industries, but he is also the  
13 chairman of the Puget Sound Pilots' Commission.

14  
15 ---EXHIBIT NO. 113: Opinion addressed to The  
16 Honourable Jerry Hagan, dated  
17 December 12, 1962.

18 Q. Now, you referred in your evidence  
19 to the peckline. What is a peckline? Is peck just a word  
20 or is it someone's name, or can you assist the Commission?

21 A. I cannot tell you the connotation  
22 of where the word comes from. This goes back into  
23 antiquity, and I can only tell you to the best of my  
24 knowledge. At some very early period the Canadian Govern-  
25 ment and the United States Government came to an agreement  
26 to establish certain rules and regulations governing the  
27 movement of vessels on the Great Lakes. These rules  
28 became known as the inland waterways rules.

29 At some later date the United States  
30 Government adopted these rules for all of their inland







1 waters whereas the Canadian Government in the west in this  
2 area we are talking about continued to use international  
3 rules.

4 It became necessary then to establish  
5 a line of demarcation on these inland waterways as to when  
6 you were navigating on inland rules and when you were  
7 navigating on international rules, so this so-called  
8 peckline was drawn up from headland to headland on all  
9 the bays and sounds for the whole coast, both the Atlantic  
10 and Pacific coasts of the United States.

11 We refer to it now as the jurisdiction  
12 of the Coast Guard for purposes of navigation, but I have  
13 a feeling that it was probably established before the  
14 Coast Guard even took over this responsibility. In our  
15 case the so-called peckline runs from Port Angeles out  
16 into the Strait of Georgia to what they call Hein Bank  
17 Buoy that is a blue patch on your chart.

18 MR. JACQUES: Mr. Bird, could I ask  
19 the witness to draw this line?

20 MR. BIRD: Yes.

21 MR. LANGLOIS: I have here the defini-  
22 tion of the peckline as given by the U.S. Coast Guard,  
23 and in this letter there is a reference to a geodetic  
24 American chart 6300 on which the peckline is drawn. I  
25 do not know if we can get this chart here in Vancouver.

26 MR. BIRD: They have many American  
27 charts.

28 MR. JACQUES: My lord, the nautical  
29 advisor to the Commission will endeavour to procure this  
30 chart during the noon recess.





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THE CHAIRMAN: And we should quote a number.

MR. JACQUES: I would rather wait until we have it.

THE CHAIRMAN: You will be able to get it?

MR. JACQUES: Later on, yes.

THE CHAIRMAN: At some time or another you will have it so we had better give it a number.

MR. LANGLOIS: I have been advised by my principals that this line is also shown on some Canadian charts.

THE WITNESS: I think you will find it on any of the large-scale charts. This is too small.

MR. LANGLOIS: My lord, I have here a letter dated January 15, 1962, addressed by Capt. W. G. Conley, Captain, U.S. Coast Guard, to the local counsel for our clients, which I am prepared to file, and which gives the description of the peckline.

THE CHAIRMAN: I see now you have found on Exhibit 62 the peckline in question.

MR. JACQUES: Yes.

THE CHAIRMAN: So will you need to file also the American chart?

MR. JACQUES: I do not think so, my lord, because we have the peckline in the most intricate area; that is, Haro Strait.

THE CHAIRMAN: So we will cancel Exhibit 114, and it can be replaced by the letter Mr. Langlois has with the description of the peckline.







1 ---EXHIBIT NO. 114: Letter dated January 15, 1962,  
2 from Capt. W.G. Conley.

3  
4 THE CHAIRMAN: You may continue, Mr.  
5 Bird.

6 Q. Mr. Middleton, would you just  
7 lightly in red draw a line in red alongside the peckline?

8 THE CHAIRMAN: On Exhibit 62.

9 MR. BIRD: On Exhibit 62, yes, my lord.

10 MR. LANGLOIS: It is indicated as being  
11 the peckline on the chart.

12 MR. BIRD: Well, it probably is not  
13 necessary to do anything more, my lord.

14 Q. Now, Mr. Middleton, I am showing  
15 you, we have heard my lord, about these large vessels,  
16 and the Sonic was mentioned as taking the largest grain  
17 cargo out of this port in the port's history, and I have  
18 here the pilotage charges covering the Sonic.

19 Now, which of your members handled the  
20 Sonic?

21 A. Mr. Carl Jacobson was the agent  
22 for this vessel.

23 Q. What company?

24 A. Carl just started himself a new  
25 company, Vanport Shipping Company.

26 Q. What are the charges based on  
27 tonnage of that vessel?

28 A. The tonnage charge on the Sonic  
29 from sea to Vancouver was \$141.95.

30 Q. Based on the rate of what?





1 A. That is based on the rate of half  
2 a cent per gross ton.

3 Q. And outward?

4 A. Outward it should be, and is,  
5 exactly the same. No, it is not either. It is \$141.75.  
6 There is a difference of a few cents.

7 Q. Well, somebody made some money on  
8 that?

9 A. Somebody made an error. Obviously  
10 the tonnage did not change.

11 Q. Now, if the old ceiling of 6,000  
12 tons had been in effect, what would the rate have been  
13 on tonnage alone?

14 A. Well, on this particular case, with  
15 this tonnage, with a limitation of 6,000 tons, it would be  
16 half a cent on 6,000 tons, or \$30.00.

17 MR. LANGLOIS: That is net tonnage.

18 THE WITNESS: On the net tonnage.

19 MR. BIRD: We are talking about gross  
20 tonnage.

21 CAPT. GOSSE: The 6,000 limit was on  
22 net tonnage.

23 MR. JACQUES: Just a moment now. We  
24 should get a little order here. He is giving evidence.

25 Q. Assuming it was on gross tonnage  
26 it would be \$30.00?

27 A. On gross tonnage \$30.00, yes.

28 Q. And where does net tonnage come,  
29 as opposed to gross? Is it usually larger or smaller?

30 A. The net tonnage is always less





1 than the gross.

2 Q. So that if it was net tonnage, it  
3 would have been less than \$30.00?

4 A. Yes.

5 MR. BIRD: I would like to file the  
6 two pilotage invoices, my lord, numbers 101352 and 101475,  
7 covering the Sonic.

8 Perhaps there should be attached to  
9 that the National Harbour Board's Report Inwards, which  
10 shows the gross and net tonnage.

11 THE CHAIRMAN: All right. Put that all  
12 together. Do we have a photograph here?

13 MR. BIRD: Yes.

14 THE CHAIRMAN: We will attach it to  
15 them also.

16  
17 ---EXHIBIT NO. 115: Pilotage invoices Nos. 101352  
18 and 101475; National Harbour  
19 Board's Report Inwards; and  
20 photograph of vessel Sonic.

21 MR. BIRD: According to the National  
22 Harbour Board's Report Inwards, the gross of that ship was  
23 28,389, and the net was 17,809.

24 Q. Referring again to your brief,  
25 Mr. Middleton, on page 10, what is your recommendation  
26 with respect to this dispute that has arisen between the  
27 British Columbia pilots and the Puget Sound pilots?

28 A. Well, we find ourselves in this  
29 very unhappy situation. Under the existing regulations  
30 here the pilotage is federal in nature. In other words,







1 all pilotage here is under control of the Federal Govern-  
2 ment. South of the border pilotage is in most instances,  
3 left to the individual states, and in our particular case  
4 we are dealing with the Pilotage Commission for the State  
5 of Washington. Now, it has been suggested that somehow  
6 we should endeavour to get our Superintendent of Pilots  
7 and the other representatives of the industry, somebody  
8 from the Pilot's Association, somebody for our Association,  
9 to try and get a meeting with a representative of the  
10 Pilotage Commission for the State of Washington, plus one  
11 of their operators and pilots, or maybe more. This is  
12 very difficult to bring about, because we are working with  
13 the different levels of Government, and generally speaking  
14 the Federal Government of Canada cannot negotiate with an  
15 individual state. This more or less forces us to appeal  
16 to the Federal Government to put it in the hands of the  
17 Department of Foreign Affairs, to in turn be discussed  
18 with the American State Department, to see if some kind  
19 of an international agreement cannot be arrived at to put  
20 this situation back where it was, and where it had had  
21 peace and harmony for 35 or 40 years.

22 Now we are asking the Commission if  
23 they can do something about this, because a somewhat  
24 similar situation developed on the St. Lawrence Seaway  
25 at the time it was opened. There was a dispute as between  
26 Canadian and American pilots on various segments of the  
27 Seaway, and that dispute, as I understand it, eventually  
28 found its way into the Great Lakes, and we know that this was  
29 eventually settled by international agreement, and the  
30 only answer we can find to our local problem is a





1 settlement along the same lines.

2 MR. BIRD: Thank you, Mr. Middleton.

3 That concludes my questioning.

4 THE WITNESS: On this particular ques-  
5 tion we are certainly a hundred percent with the pilots.

6 MR. BIRD: Yes. Well, we are pleased  
7 to learn that there is common ground somewhere.

8 MR. LANGLOIS: My lord, very likely my  
9 cross-examination would last more than the few minutes  
10 left before 12:30. I am ready to proceed.

11 THE CHAIRMAN: So therefore we will  
12 adjourn until two o'clock.

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15 ---At 12:30 p.m. the hearing was adjourned until 2:00 p.m.  
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1 ---On resuming at two p.m.

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MR. LANGLOIS: My lord, I have now obtained the certification of Exhibit 88, the agreement between the Canadian Merchant Service Guild and the members of the British Columbia Towboat Owners' Association, duly certified by Mr. Pollock, the secretary of the Canadian Merchant Service Guild.

Now, my lord, I have a request to make. Yesterday and this morning pilotage bills were filed by Mr. Middleton, and I will request that whenever pilotage bills of this kind are filed the pilotage source form should also be filed with them, and I would ask my learned friend Mr. Jacques if he could arrange to have Capt. Eddy file the pilotage source form for each of these pilotage bills which were filed or which will be filed from now on.

THE CHAIRMAN: I see your reasons. You want to decide the charges and the pilotage dues.

MR. LANGLOIS: Yes, and detention. In the case of the Sonic, this morning a pilotage bill was filed, and I find that that ship arrived here at six-thirty hours and she went to anchor and she berthed only at eight o'clock the next day, and the pilot was kept on the ship and there was a detention charge of \$72.60. The same thing also when she sailed out again, the pilot was ordered for three o'clock in the afternoon but she sailed only at seventeen-hundred hours, five o'clock in the afternoon, and the pilot was kept on board at the request of the master. There again there was a detention charge of \$24.20.





1 THE CHAIRMAN: I think the Commission  
2 should be provided with all the information so that they  
3 are able to appraise the evidence put before it. So if  
4 you could arrange with Commission counsel, and when Capt.  
5 Eddy is on the stand you could ask him about it.

6 MR. JACQUES: My lord, on that  
7 particular point I would point out to my learned friend  
8 that at the bottom right-hand corner of the bill there is  
9 a charges code which refers to what he has just said.  
10 On the inward bill annexed with the amount of \$72.60 we  
11 read a code number 7, the detention code.

12 THE CHAIRMAN: I gather from your  
13 remark that when you get Capt. Eddy on the stand you are  
14 going to get this explanation given.

15 MR. JACQUES: Yes, my lord. As regards  
16 the outward bill of the Sonic, I am informed by Capt.  
17 Eddy that there is apparently a mistake of twenty cents,  
18 but if one looks closely at the bill, one can see a  
19 correction of twenty cents in code number 1, which is the  
20 tonnage code.

21 Now, I should like to file United  
22 States chart of the Strait of Georgia and the Strait of  
23 Juan de Fuca, number 6300, with the letter which was  
24 filed as Exhibit 114. It is the chart to which the  
25 letter refers.

26 THE CHAIRMAN: So the chart will be  
27 added to Exhibit 114?

28 MR. JACQUES: Yes, my lord.

29 MR. BIRD: Perhaps I should make it  
30 clear, since Capt. Eddy will be discussing these bills,







1 the question put to Mr. Middleton related only to tonnage,  
2 not the total bill.

3 MR. LANGLOIS: The total bill was  
4 filed.

5 MR. BIRD: Oh, yes, the total bill was  
6 filed.

7 MR. JACQUES: Before I proceed, my  
8 lord, I should like to call Colonel Dixon. He is the  
9 District Marine Agent for the area, and he has some  
10 evidence to give on these unwatched lights which have been  
11 going out and have been apparently remaining out for quite  
12 some time.

13  
14 KEITH DIXON, sworn:

15  
16 DIRECT EXAMINATION BY MR. JACQUES:

17  
18 Q. What is your full name and age?

19 A. Keith Dixon, 64.

20 Q. What is your address, sir?

21 A. District Marine Agent, Department  
22 of Transport, P.O. Box 1180, Victoria, B.C.

23 Q. As District Marine Agent, do you  
24 have jurisdiction over navigational aids on the British  
25 Columbia coast?

26 A. Only in the Victoria District  
27 Marine Agency, which extends from the American border on  
28 the south to Cape Caution, which is just north of the  
29 northerly tip of Vancouver Island.

30 Q. Within that area do you have any







1 unwatched lights under your jurisdiction?

2 A. May I refer to my notes?

3 Q. You certainly may.

4 A. In that area, I am speaking for  
5 the last fiscal year for which we have complete records,  
6 that is the fiscal year ending 31st March, 1962, we have  
7 315 unwatched lights in our district, not including lights  
8 on buoys, that is gas and whistle buoys, gas and well  
9 buoys --- 315 shore-based unwatched lights.

10 Q. In those statistics do you have  
11 any information as regards the number of times and perhaps  
12 the length of time any number of these unwatched lights  
13 were out?

14 A. These 315 unwatched lights were  
15 out during the year ending March 31st, 1962, for a total  
16 of 827 days.

17 Q. Would you explain, please?

18 A. Working that out arithmetically,  
19 it means that our unwatched lights were 99.28% efficient.

20 Q. This total number of days,  
21 that is applicable to all the 315 lights, I under-  
22 stand?

23 A. That is correct, sir. Some of  
24 them were out for one day, some for two days, some for  
25 three days, some for four days; and I see from my notes  
26 that of three of them, one was out for 34 days, one was  
27 out for 77 days, and one was out for 99 days. But that  
28 is because the dolphins on which they were erected were  
29 destroyed. That is why it took so long to put them back  
30 into service again.





1 Q. In your work as District Marine  
2 Agent, have you ever received any complaints or requests  
3 from the pilots with regard to aids to navigation in the  
4 pilotage waters?

5 A. We get frequent requests from the  
6 pilots for additional aids, which we consider very care-  
7 fully. It is a rare occasion in recent years when we  
8 have not been able to give the pilots, as other members  
9 of the sea-going fraternity, the aids that they ask for.

10 I would like to make it quite clear  
11 that as far as D.O.T. Marine are concerned in Victoria,  
12 the pilots have been most reasonable. To our way of  
13 thinking, they are pretty sound men. They know what we  
14 are trying to do. They do not ask us to do the impossible,  
15 and it is because of that that we have been over recent  
16 years able to comply with, I would say, 99% of their  
17 requests.

18 MR. JACQUES: Thank you, sir. Any  
19 questions?

20 MR. BIRD: No questions, my lord.

21 MR. LANGLOIS: Just one question.

22  
23 CROSS-EXAMINATION BY MR. LANGLOIS:  
24

25 Q. Mr. Dixon, when you gave the times  
26 that these lights were out, you have to go on what  
27 information is obtainable. For example, you know when a  
28 light is out only when it is reported out?

29 A. That is correct, sir.

30 Q. It could be out for a period







1 without being reported as being out, without you knowing  
2 about it?

3 A. I would say that possibly some  
4 unimportant lights could be out without us knowing it,  
5 but the important lights, the wires get hot and it is on  
6 my desk the next morning.

7 Q. As soon as a light is reported out  
8 to you a notice to shipping is sent out immediately, I  
9 take it?

10 A. Actually we are able to beat that,  
11 because we have an arrangement with the air service, the  
12 Telecon Branch of D.O.T., that when a ship reports a light  
13 out the coast radio stations broadcast it immediately  
14 without waiting to get it to my desk. It comes to my  
15 desk the next morning, but in the meantime it has been  
16 broadcast to mariners, and if it is going to be out for  
17 some length of time, then we go through the procedure of  
18 putting out a notice to shipping.

19 Q. How many coastal radio stations  
20 do you have in your district?

21 A. We start at Gordon Head, Victoria.  
22 There used to be Cape Lazo; it is now the airport near  
23 Cape Lazo. We have Victoria, Comox, Alert Bay, Bull  
24 Harbour, Totino, Romney Island. They have additional ones  
25 in the Prince Rupert Agency.

26 Q. When notices to shipping are broad-  
27 cast, are they broadcast over all these stations?

28 A. No, sir. If the notice to shipping  
29 concerns some lights out or menace in the lower gulf, for  
30 example, we do not ask Bull Harbour or the Prince Rupert





1 radio stations to broadcast it. Most of the time it is  
2 back in before they can get it anyway.

3 Q. Could you give me roughly the  
4 range of these coastal radio stations?

5 A. No, I am sorry, I cannot. I am  
6 not a telecon man.

7 MR. LANGLOIS: Thank you.

8 MR. JACQUES: Thank you very much, sir.

9 MR. BIRD: Mylord, with your lordship's  
10 leave, I would like, before Mr. Middleton's cross-  
11 examination commences, to call Mr. Sankey to deal with  
12 a point, and after him I would call Mr. Williams on another  
13 point.

14  
15 W.A. SANKEY, sworn:

16  
17 DIRECT EXAMINATION BY MR. BIRD:

18  
19 Q. Mr. Sankey, you are the Secretary  
20 of the Vancouver Merchants' Exchange, are you?

21 A. Correct.

22 Q. And that organization has a number  
23 of bodies that it represents, one of which is the  
24 Vancouver Chamber of Shipping?

25 A. That is correct.

26 Q. How long have you been Secretary?

27 A. Secretary since 1953. I was  
28 Assistant Secretary prior to that for eight years.

29 Q. As Secretary, do you attend the  
30 meetings of the Vancouver Chamber of Shipping?





1 A. Generally, most meetings, yes.

2 MR. BIRD: I wonder if I might have  
3 Exhibit 104, the letter from British Columbia Pilots to  
4 the Chamber of Shipping.

5 Q. I show you Exhibit 104, Mr. Sankey.  
6 Would you look at the first page and tell the Commission what  
7 you mean by the pencilled figures which appear on the  
8 left-hand side of page 1?

9 A. They are relatively simple. When  
10 a letter of this type comes into my possession as  
11 Secretary it is naturally circulated or shown to the  
12 members of the Committee who are concerned with it, and  
13 in order to simplify it for them so that they can see what  
14 it means, what has been done there is with regard to  
15 the various rates that are mentioned. The current rate  
16 is shown together with requested increase.

17 Q. Where does the current rate appear?

18 A. In this instance it is \$36.30; the  
19 requested increase is to \$50.00. So that is how they  
20 appear there.

21 Q. You mentioned \$36.30 with a line  
22 and the figures 50 below it?

23 A That is correct.

24 Q. For the first item?

25 A. That is correct.

26 Q. And down the page the figure  
27 closest to the left-hand side of the page represents what?  
28

29 A. The present rate.

30 Q. And the figure on the right-hand  
side?







1 A. The requested rate.

2 Q. Thank you. You have the figure  
3 of \$92,631.04 in pencil below the second column on that  
4 page. What is that?

5 A. Merely the total of the figures  
6 shown in that column.

7 Q. Going over to what is page 3, which  
8 is headed "The following changes in the British Columbia  
9 Pilotage District Bylaw are recommended", there are  
10 certain notations in ink on the right-hand side of that  
11 page. What are they?

12 A. That is exactly the same thing.  
13 Written on the main part of the letter are new rates which  
14 are requested or recommended by the pilots' organization,  
15 and written on the outside column is the then existing  
16 rates.

17 Q. There are certain amounts which  
18 appear on the right-hand column commencing about opposite  
19 a paragraph entitled "Pleasure yachts". So that we can  
20 clearly understand, what do these figures represent as  
21 they appear opposite those paragraphs?

22 A. The rate that was then in existence  
23 for supplying that particular service. \$37.80 requested,  
24 and as shown in that page of the letter, \$50.00.

25 Q. Does the same apply with respect  
26 to the other notations below?

27 A. That is correct.

28 Q. There is further writing at the  
29 bottom. What is the writing there?

30 A. In Vancouver harbour, day and night,





1 because there is or was a difference in the rate charged  
2 between certain hours of the day for certain movages.

3 This is the current charge.

4 Q. Well, you say this is the current  
5 charge?

6 A. \$30.30 was the current day charge.  
7 \$36.30 current night charge.

8 Q. For what?

9 A. For movages.

10 Q. Anywhere in Vancouver harbour?

11 A. No, there was a different scale.  
12 That was the basic rate in the inner harbour. If a  
13 vessel was going through the bridges, then there was an  
14 additional charge.

15 Q. Then you have the words "False Creek  
16 and Sand Heads-English Bay with a figure of \$30.25 opposite  
17 it.

18 A. That was the current rate for  
19 moving a vessel within that area, Vancouver to False  
20 Creek and Sand Heads into English Bay to Anchorage.

21 Q. On page 2 of the second group  
22 opposite the item entitled "detention and calculation",  
23 there appears two figures: \$6.05 and below it, \$36.30.  
24 What is that intended to represent?

25 A. These were the then current rates.  
26 \$6.05 per hour with a maximum charge of six hours or  
27 \$36.30 in any one day.

28 Q. Now, continuing down to page 2  
29 under (C) you have further ink notations. I believe the  
30 top one is 48 hours W.







1 A. West coast. 72 hours north. 72  
2 hours north of Duncan, I think it is. I can hardly read  
3 my own writing.

4 Q. Duncan, would that be Duncan Bay?

5 A. This figure ---

6 Q. Would that be Duncan Bay?

7 A. Yes, I believe it was north of  
8 Duncan Bay.

9 Q. Carry on.

10 A. Prior to this change-over there  
11 were two specific hourages which allowed the pilots from  
12 the time of order so many hours to get to the destination  
13 and take over, and after that period they could then  
14 start charging detention.

15 In other words, the pilots had travel-  
16 ling time before they could start and charge detention,  
17 and this was the request to have a change made in that,  
18 so that this is merely putting down what was the then  
19 conditions.

20 Q. You refer to this; you are refer-  
21 ring to the ink notations.

22 A. Referring to the ink notations,  
23 right, sir.

24 Q. I direct your attention to para-  
25 graph 3 under (C), and you see the figure \$18.15.

26 A. That was the then existing rate  
27 for cancellation charge.

28 Q. Item 4, under (C), delete former  
29 Section (3), and there is pencilled wording which appears  
30 to read pilot detained aboard, Section 6, Sub-section 3.





1 A. That merely referred to the  
2 Section in the bylaws that was being asked to have deleted.

3 Q. Under the heading of computation  
4 of charges and the wording beneath that title, there is  
5 a word in ink in the right-hand margin. What is that?

6 A. That says "now". In other words,  
7 there was no change in the request there from what the  
8 current rates were.

9 Q. Under the heading of quarantine  
10 you have a figure in writing in ink, \$36.30. What does  
11 that mean?

12 A. Again that was the current rate  
13 for that particular service.

14 MR. BIRD: Those are all the questions  
15 I have of this witness, my lord.

16  
17 CROSS-EXAMINATION BY MR. LANGLOIS:

18  
19 Q. Mr. Sankey, you said you attended  
20 all these meetings between the Chamber of Shipping and the  
21 Pilots' Committee?

22 A. The majority of the meetings.

23 Q. Are you there as Secretary?

24 A. That is correct. I am Secretary  
25 of the Chamber of Shipping.

26 Q. Are these meetings also attended  
27 by the Secretary for the Pilots?

28 A. May I ask if you are referring to  
29 the meeting of the Chamber of Shipping, or are you refer-  
30 ring to joint meetings of the Pilots and the Chamber of





1 Q. Meetings between the Pilots and  
2 Chamber of Shipping.

3 A. It is their prerogative to bring  
4 a secretary if they wish.

5 Q. Is there a secretary there? Is  
6 there a secretary for the Pilots there?

7 A. No, I do not think they have had  
8 their official secretary there. That, of course, is their  
9 prerogative if they wish to bring one or not.

10 Q. Is there a representative of the  
11 Guild, of the Canadian Merchant Service Guild attending  
12 these discussions?

13 A. No.

14 Q. Now, these rates mentioned in the  
15 letter to which you just referred in your evidence, in  
16 answer to questions by Mr. Bird, how many of these rates,  
17 increase of rates were granted at the time?

18 A. Oh, I am afraid I could not say  
19 without referring back.

20 Q. Were any granted? Were any of the  
21 increases asked for by the Pilots granted at the time?

22 A. There were certain changes made in  
23 the detention periods on the west coast and on the north  
24 coast. They were eventually changed.

25 Q. At the same time? Was it not a  
26 year later?

27 A. It could have been.

28 MR. LANGLOIS: Thank you.  
29  
30







1 CROSS-EXAMINATION BY MR. JACQUES:

2  
3 Q. On the subject of rates, I do not  
4 know whether I should be asking you to put in the  
5 Commission's own case, but I think the Commission is  
6 entitled to put its case in if it wishes. Can you tell  
7 the Commission whether the various changes in rates,  
8 particularly the last amendment, the overall rearrangement  
9 of rates, has not been of benefit to some ships; has not  
10 worked as a reduction of rates for some ships rather than  
11 as an increase?

12 A. I am afraid I could not tell you.

13 MR. JACQUES: Thank you, sir.

14 MR. BIRD: Thank you, Mr. Sankey. I  
15 call Mr. Williams.

16  
17  
18 DAVID MURRAY WILLIAMS, sworn:

19  
20 DIRECT EXAMINATION BY MR. BIRD:

21  
22 Q. What is your full name, Mr.  
23 Williams?

24 A. David Murray Williams.

25 Q. Are you manager of Westward Shipping  
26 Limited?

27 A. That is correct.

28 Q. That is the company incorporated  
29 under the laws of the Province of British Columbia, and  
30 you or that company acts as managing owners or managing





1 operators of various tankers; is that true?

2 A. That is correct.

3 Q. How long have you acted as manager  
4 of that company?

5 A. Since 1955.

6 Q. As such, have you knowledge of the  
7 rates of pay or the amounts paid to masters of tankers  
8 which you operate?

9 A. I do.

10 MR. BIRD: I would ask, my lord, that  
11 the members of the press and others here --- that they do  
12 not divulge the information that is about to be given by  
13 Mr. Williams because of its confidential nature as between  
14 the Westward Shipping and the masters, if that could be  
15 managed.

16 MR. JACQUES: If I may suggest since you  
17 have a written document, that the document be turned over  
18 to the Solicitors representing the party and that no oral  
19 evidence be given.

20 MR. BIRD: I rather think that my  
21 learned friend may wish to cross-examine. I do not know.  
22 I have given him a copy. He may find that the information  
23 is inadequate.

24 MR. LANGLOIS: I do not see any reason  
25 for this secrecy around such information. Yesterday the  
26 agreement between the Guild and the members of the B.C.  
27 Towboat Owners' Association was filed. There was also the  
28 agreement filed by my learned friend, agreement between  
29 the Guild and the Canadian Steamship Company.

30 We place no objection to having the







1 revenues of the pilots discussed in the open. We have  
2 nothing to hide. I do not see why all this secrecy today,  
3 when it comes to the question of the information as to  
4 earnings earned by a certain class of masters on some  
5 tankers.

6 MR. BIRD: There is no intention to  
7 be secretive at all. This is merely an arrangement  
8 which is not covered by any union agreement that is made  
9 between Westward Shipping Limited and the masters of the  
10 vessels.

11 This information, of course, is well  
12 known to the Canadian Merchant Service Guild and perhaps  
13 others. My only purpose in suggesting that the members of  
14 the press, in any event, might not give it undue publica-  
15 tion is to give the respect which the agreement or which  
16 the principals have with regard to it.

17 THE CHAIRMAN: In view of the fact that  
18 it is not an in-camera hearing, we cannot give an order  
19 to the press, but I hope that the press will abide by  
20 what you ask.

21 MR. BIRD: Thank you, my lord.

22 Q. If I might have Exhibit 104. It  
23 was the letter from Westward Shipping --- it was Exhibit  
24 109. Now, Mr. Williams, I show you Exhibit 109. Do you  
25 recognize the signature there?

26 A. Yes.

27 Q. Whose is it?

28 A. Mr. Allen Vaughan, our accountant.

29 Q. Now, have you at my request pre-  
30 pared a statement showing the salary of your masters with





1 reference to time off, vacation, board and lodging,  
2 medical benefits and pension?

3 A. Yes, I have, sir.

4 MR. BIRD: I would ask, my lord, that  
5 this statement be marked.

6  
7 ---EXHIBIT NO. 116: Statement showing salary,  
8 time off, vacation,etcetera,  
9 prepared by Westward Shipping  
10 Company.

11 Q. Now, Mr. Williams, would you tell  
12 the Commission what are the salaries of the masters of  
13 your tankers?

14 A. We have three masters in our  
15 employ, and they are rated according to seniority. The  
16 senior master is paid a monthly sum of \$770.00. The  
17 second senior master, \$745.00, and the third senior,  
18 \$730.00.

19 Q. And the relief master?

20 A. The relief master when employed is  
21 employed at \$700.00.

22 MR. SMITH: Would you mind repeating  
23 the second one?

24 THE WITNESS: \$745.00 for the second  
25 senior man.

26 Q. Those figures are effective as of  
27 when?

28 A. Those came into effect January 1st  
29 of 1962.

30 Q. With reference to the statement,





1 Exhibit 116, you have in brackets below certain other  
2 figures and the figures plus 3%. What is that intended  
3 to represent?

4 A. We are presently in negotiation  
5 with our officers and engineers for a revised agreement,  
6 and it is believed, or it is our intention at any rate,  
7 to increase the wages of our masters, probably retroactive  
8 to January 1st of this year, by approximately 3%.

9 Q. Yes. You have shown in that  
10 exhibit the amounts that would be paid after the addition  
11 of 3%.

12 A. Yes.

13 Q. Time off. You have four-tenths of  
14 time worked (five-day week), plus one extra day per  
15 month, value approximately \$25.00. How does that work?

16 A. Our masters worked a seven-day  
17 week, and in order to compensate them for weekends, for  
18 each day worked we grant them .4 of a day off, which brings  
19 it down to a forty-hour week.

20 Now, these wages that the masters are  
21 paid are based on a forty-hour week, but as we all  
22 recognize, masters can work considerably more than that  
23 period.

24 However, on ships on this coast which  
25 work the three-watch system, the .4 factor is universal,  
26 irrespective of the rating. We also pay our masters one  
27 day extra per month in order to increase their time at  
28 home. Normally our masters work 22 days a month, and  
29 with that extra day, they work 21 days a month.

30 Q. You have assessed the value of







1 that benefit or the total benefit at \$25.00, have you?

2 A. For the senior master.

3 Q. For the senior master, yes. Well,  
4 is it less for the junior master?

5 A. Yes, the senior master's daily  
6 wage is actually \$25.66, whereas the junior master is  
7 that much less.

8 Q. How much less?

9 A. Well, let us see. There is \$25.00  
10 per month differential, so it would be about \$24.00 in  
11 the case of the second senior master.

12 Q. \$24.00 less per month?

13 A. \$24.00 per day.

14 Q. What is that?

15 A. \$24.00 per day.

16 Q. Instead of \$25.00?

17 A. Yes.

18 Q. All right now, you have the heading  
19 vacation and stats. What is that?

20 A. Statutory holidays. Our company's  
21 policy is after one year of service and up to ten, our  
22 men are granted two weeks' vacation with pay. After ten  
23 years, three weeks' vacation. All three masters in our  
24 employ are ten-year men or more, and therefore are  
25 granted 21 days per annum, plus nine days statutory  
26 holidays.

27 Q. Of course these are all certificate  
28 men?

29 A. Correct.

30 Q. Now, the next one, board and lodging?





1 A. Board and lodging is entered in  
2 the payroll at the sum of \$1.50 per day, but the sum is  
3 not paid. It is only entered in the payroll for purposes  
4 of tax deduction. \$1.50 is deductible per day on each  
5 man's income tax. It is not a sum that we pay. It is  
6 only a payroll entry.

7 Q. Yes, and the actual value of meals?

8 A. The actual value of meals in our  
9 ships at the present time is running about \$2.50 per day  
10 per man. We have no actual indication of what the lodging  
11 cost is. It is not a cost factor.

12 Q. And that is equivalent to?

13 A. \$55.00 a month.

14 Q. Based on 22 days per month?

15 A. Yes.

16 Q. Now, medical benefits?

17 A. All masters, deck officers, and  
18 engineers in our ships are under M.S.A., for which the  
19 company pays 50%, and the individual pays the balance.  
20 The cost to the company is \$7.95 per married man per  
21 month. In the case of our masters they are all married.

22 We have a sick leave benefit program  
23 which is accumulative. For every year of service a man  
24 builds up three weeks per year sick leave on full pay and  
25 two weeks per year on half pay. Now, our masters, all  
26 being long-service men, could apply for a maximum of  
27 22 weeks per annum on full pay and eight weeks per annum  
28 on half pay as sick leave.

29 Q. Now, a pension?

30 A. A pension, the company pays 50% of







1 the pensions costs as does the individual. The cost is  
2 5% of the individual's salary, 5% of the payroll.

3 Q. Is that a Government-approved  
4 pension?

5 A. I would not say it is necessarily.  
6 It is actually an annuity handled by the Standard Life  
7 Assurance Company. I think it would be Government-approved.

8 Q. Do you happen to know whether it  
9 is deductible for tax purposes?

10 A. That I do not.

11 Q. What is the total amount per month  
12 that a senior master receives, and I want you to take into  
13 consideration the actual payment to him of salary, time  
14 off, medical benefits, and anything else that is actually  
15 received, or of which the master receives the benefit?

16 A. Well, sir, the basic wage for the  
17 senior master is \$770.00 per month. One day's additional  
18 leave per month is \$25.00. M.S.A. is \$7.95, and the  
19 pension costs the company \$38.00 per month. So the  
20 total is \$842.00 per month.

21 Q. Are there any other benefits which  
22 might be described as fringe benefits, other than those  
23 appearing in this statement, that your masters receive?

24 A. None whatsoever.

25 MR. BIRD: Thank you, Mr. Williams.

26  
27 CROSS-EXAMINED BY MR. LANGLOIS:

28 Q. How big are the tankers that you  
29 are referring to in this evidence?

30 A. Well, we have two, sir. The





1 "Standard Service" is 12,000 barrels capacity, and the  
2 "B.C. Standard" is 6,500 barrels.

3 Q. Will you give that in gross  
4 tonnage and net tonnage now?

5 A. This is from memory. I would say  
6 the "Standard Service" is about 1,500 gross, and the  
7 "B.C. Standard" is about 800 gross.

8 Q. Are they coastal tankers?

9 A. They are.

10 Q. Plying regularly where?

11 A. Throughout Vancouver, throughout  
12 the B.C. coast as far south as the Columbia River and as  
13 far north as Alaska.

14 Q. When you gave the total wage of a  
15 master of \$842.00, this is only for 22 days working per  
16 month?

17 A. 22 consecutive days.

18 Q. In this figure of \$842.00, have  
19 you included the board and lodging?

20 A. No.

21 Q. Have you included what your  
22 company pays for Workmen's Compensation?

23 A. Well, that works out to 73 cents  
24 per man per month. I have not included that in.

25 Q. Is the 5% of the pension included?

26 A. Yes.

27 Q. Now, what about overtime?

28 A. No overtime as such to masters.

29 Q. You have a forty-hour week? If he  
30 works fifty hours, he is not paid overtime?





1 A. That is correct, the answer is no.

2 Q. Does he get time off in lieu of  
3 overtime?

4 A. No.

5 Q. Do your masters in fact work over-  
6 time?

7 A. Very often.

8  
9 CROSS-EXAMINED BY MR. JACQUES:

10  
11 Q. Is this seasonal employment, or  
12 is this a twelve-month a year job?

13 A. No, this is twelve months, sir.

14 Q. What certificates do your masters  
15 hold?

16 A. One of our masters is a Canadian,  
17 or British deep-sea going. The other masters are coast-  
18 wise master's certificates.

19 Q. How long have they been masters?

20 A. A senior master went into command  
21 in 1953. That is ten years. The second and third senior  
22 came in in 1960.

23 Q. Do you know if they were masters  
24 before they had joined your company? Had they been in  
25 command of vessels before joining your company?

26 A. No, none of them were.

27 Q. To the best of your knowledge, how  
28 does this salary of \$842.00 a month compare with the  
29 salaries of other masters on the coast?

30 A. The tanker companies generally pay







1 slightly higher than most of the freight or passenger  
2 companies on the coast. We are not the highest. There  
3 are higher.

4 Q. Now, in the overall picture of the  
5 colony of British Columbia, how would you class this  
6 salary? Would that be classed as a high salary, a middle-  
7 income, or a low salary?

8 A. Well, for master mariners on the  
9 coasts, it is an average salary.

10 Q. But compared with the rest of the  
11 other tradesmen, or professionals, how would that fit?

12 A. Well, I think it is quite an  
13 adequate remuneration, borne out by the fact that in  
14 relation to the wages paid our chief officers, there is  
15 quite a spread between the masters' wages and those of our  
16 other men.

17 MR. JACQUES: Thank you, sir.

18 MR. BIRD: I put it to you that you  
19 were paying \$842.00 for 22 days' work. Are you paying  
20 anything more for the eight days off that the master has?

21 A. No, sir. The master is on pay at  
22 all times. Now, in theory, on the basis of .4 for  
23 each day worked, he works 22 days and has eight days off  
24 per month, but in actual fact he works for, say, ninety  
25 days, and then takes a month's leave, on full pay at all  
26 times.

27 MR. LANGLOIS: Just as a matter of  
28 accuracy. Your ships are run on the three-watch system?

29 THE WITNESS: Yes.

30 MR. LANGLOIS: It is four hours on and





1 eight hours off?

2 THE WITNESS: Yes.

3 MR. JACQUES: Your masters do their  
4 own piloting, do they not? They do not use pilots, do  
5 they?

6 THE WITNESS: No, they do not, sir.

7 MR. LANGLOIS: They are all exempt  
8 ships for pilotage?

9 THE WITNESS: Yes.

10  
11 MR. MIDDLETON, RECALLED:

12  
13 CROSS-EXAMINED BY MR. LANGLOIS:

14  
15 THE SECRETARY: You are under the same  
16 oath.

17 THE WITNESS: Yes, sir.

18 MR. LANGLOIS: My lord, before I  
19 proceed with my cross-examination of Mr. Middleton, I  
20 wish to make a statement in order to explain why no  
21 mention was made in my principal's brief in regard to this  
22 Puget Sound so-called dispute. The reason is that my  
23 principals were advised by an official of the Department  
24 of External Affairs, and if I could be excused from  
25 mentioning the name, that it would be better not to bring  
26 this matter up in the open, since it involved an inter-  
27 national situation, and this official claimed that by  
28 raising it in public it might probably cause more trouble.  
29

30 That is the reason why no mention was  
made in the brief presented by the B.C. Pilots. At any







1 rate, my principals consider that the pilotage involved  
2 in this dispute is in international waters, or some of it  
3 even within American waters to some degree, and that it  
4 forms part of the extra services which they are called  
5 upon to carry out, or perform, outside of their district  
6 for the convenience of shipping.

7 THE CHAIRMAN: There are really no  
8 disputes, only re-adjustment, that is all. That is what  
9 Capt. Gosse was saying yesterday. It is no problem for  
10 them, but rather a problem for shipping. It is only a  
11 matter of re-adjustment that may happen very often when  
12 you have two countries like that, so this is not really a  
13 dispute. It is only a problem, that is all.

14 MR. LANGLOIS: My lord, Capt. Gosse has  
15 reminded me that since a statement was made in the press  
16 to the effect that the B.C. Pilots were still refusing to  
17 perform the services, he is asking me to reiterate that  
18 the B.C. Coast Pilots are willing to perform these duties,  
19 and they are doing so now on some ships.

20 Q. Mr. Middleton, have you had sea  
21 experience, on merchant ships?

22 A. I have had sea experience, but I  
23 have not been in command.

24 Q. When you say sea experience, it is  
25 on merchant ships?

26 A. On merchant ships, no, only to the  
27 extent of travelling on our company ships at various  
28 times to various places, and incidentally working as a  
29 purser in my youth for one Summer holiday, and so on.

30 Q. Mostly as super-cargo or passenger





1 on a ship; is that right?

2 A. That would probably describe it,  
3 sir.

4 Q. You mentioned service in the Navy  
5 yesterday. You meant the Canadian Navy, or?

6 A. No, I am an American, and I served  
7 in the American Navy.

8 Q. You are in the employ of a company  
9 which is incorporated in Canada, or is it U.S. incorporated?

10 A. The company I work for is a British  
11 company, with branch offices around the world.

12 Q. Where is the head office of this  
13 company?

14 A. In London, England.

15 Q. Does your company own ships?

16 A. At this time we do not own any  
17 ships.

18 Q. Am I to understand, sir, that since  
19 your company does not own ships that you are not here  
20 speaking on behalf of the ship owners concerned with the  
21 pilotage on the west coast of British Columbia?

22 A. I am here speaking on behalf of the  
23 principals whom we represent in the port of Vancouver, or  
24 British Columbia, and on behalf of the Chamber of Shipping,  
25 which of course embraces all the industry here.

26 Q. Are some of these principals your  
27 ship owners?

28 A. They are all ship owners.

29 Q. They all own ships?

30 A. Yes.





1 Q. Do you mean to tell me that all  
2 the members of the Chamber of Shipping are ship owners?

3 A. You asked me if our principals ---  
4 our principals own these ships. We do not.

5 Q. What about the members of the  
6 Chamber of Shipping? Are they ship owners?

7 A. Some are and some are not.

8 Q. How many members who are ship  
9 owners would you have in your Chamber?

10 A. I mentioned that in my direct  
11 testimony that I think there are four or five companies  
12 with branch offices in Vancouver, and the rest are either  
13 companies chartering ships, or acting as owners' agents.

14 Q. Are these Canadian ship owners?

15 A. No, they are all foreign ship  
16 owners.

17 Q. And consequently all the ships  
18 involved are foreign ships?

19 A. Foreign-flag ships. You must bear  
20 in mind that we have not got on this coast any Canadian  
21 flag and operated ships at the present time. As a matter  
22 of fact, to the best of my knowledge, there is not more  
23 than three or four left in the whole of Canada.

24 Q. Do you not think it would be a  
25 good thing to have Canadian-owned ships operating on this  
26 coast?

27 A. My personal opinion is that we  
28 should have Canadian-owned ships, but apparently the only  
29 way you can operate Canadian-owned ships is with building  
30 and operating subsidies, and our Canadian Government has







1 not seen fit to employ such means. I assume that because  
2 Canada is basically an export country, and lives on its  
3 foreign trade, that the Canadian Government presumably  
4 takes the position that it is better for the economy of  
5 Canada to export their products in foreign ships than it  
6 is in Canadian ships. In other words, by so doing they  
7 make available, or there is made available more money for  
8 the export of goods. By that I should explain that if a  
9 million dollars is made available for the export of  
10 Canadian ore, and it was exported in a Canadian ship, you  
11 would immediately have to take out the freight rate, so  
12 that correspondingly there would be less ore shipped. If  
13 the whole of the million dollar credit can be made  
14 available for the actual export of the goods, the Canadian  
15 economy I suspect is benefitted.

16 Q. This is your own explanation,  
17 though?

18 A. This is my explanation, sir.

19 Q. And not necessarily Governmental  
20 policy. Well, of course you know that there is a construc-  
21 tion subsidy provided in Canada?

22 A. In the last couple of years, yes.

23 Q. Has any advantage been taken of  
24 this subsidy here on the west coast?

25 A. There has been no advantage taken  
26 of this subsidy for the construction of ocean-going  
27 vessels, but there have been a relatively large number of  
28 larger towboats, and a few large fishboats. The most  
29 notable in our immediate area is the subsidy the Province  
30 of British Columbia has received from the Federal





1 Government on its new ferry service.

2 Q. You are trying to get me involved  
3 in provincial politics.

4 Now, coming back to your brief, Mr.  
5 Middleton. Did you yourself participate in the drafting  
6 of this brief?

7 A. I worked on it with the Committee.

8 Q. And you are taking full responsi-  
9 bility for its contents?

10 A. Yes, I am trying to put forward  
11 the views of the Vancouver Chamber of Shipping, which  
12 might not entirely be my own, but I am appointed to this  
13 job to represent my associates.

14 Q. That is exactly what I want to know,  
15 that this brief does not necessarily reflect your own  
16 personal views?

17 A. Not necessarily.

18 Q. Now, would you briefly describe  
19 the type of cargoes which are being carried in the ships  
20 involved in this enquiry? Is it mostly basic material,  
21 base metal, lumber?

22 A. Insofar as tonnage is concerned,  
23 unquestionably there is more tonnage being handled out of  
24 British Columbia in tramp ships than there is on liner  
25 services. But when it comes to the number of calls, the  
26 reverse is true; there are far more liners calling here  
27 than tramp ships.

28 Q. I understand some of these ships  
29 ply between Canadian and American ports and others between  
30 Canadian ports and Japan and elsewhere. Is that correct?







1 A. The vast majority of the ships are  
2 going what we would term foreign, other than the United  
3 States.

4 Q. Could you, sir, give me the per-  
5 centage of American bottoms being used in this trade,  
6 roughly, an approximation of the percentage?

7 A. Well, the Vancouver Merchants'  
8 Exchange puts out a list every month of all the vessels  
9 calling here, listed by nationalities, and, as I remember,  
10 the American ships are usually along about third in the  
11 list. But it would vary from month to month and from  
12 year to year.

13 Q. You have what you call the Vancouver  
14 Merchants' Exchange Annual Shipping Report?

15 A. Yes.

16 Q. I have here the Vancouver Merchants'  
17 Exchange Annual Statistical Report for the year 1962.  
18 Would you mind filing it as an exhibit.

19 THE SECRETARY: Exhibit 117.

20  
21 ---EXHIBIT NO. 117: Vancouver Merchants' Exchange  
22 Annual Statistical Report for  
23 the year 1962.

24 THE WITNESS: Yes, I recognize the  
25 document.

26 MR. LANGLOIS: There are some figures  
27 here; we will take them out, or substitute a copy without  
28 these figures on it.

29 Q. Do these ships, Mr. Middleton, come  
30 in, generally speaking, with cargo for Canadian ports or





1 do they come in in a light condition?

2 A. The tramp ships, generally speaking,  
3 come in in a light condition. The liner services always  
4 have some cargo for discharge.

5 Q. Could you, sir, briefly describe  
6 what would be average voyage of a tramp ship calling at  
7 your ports going to Japan, for example?

8 A. Well, there are more or less  
9 regular shipping routes which tramp owners adhere to. A  
10 tramp ship will start out, say, in England, and take a  
11 cargo down to South Africa or Australia, and she will then  
12 pick up another cargo in either of those areas and take it  
13 up to Japan. Then they invariably, cross the Pacific in  
14 ballast to load at Vancouver or British Columbia ports for  
15 almost any destination, and finally work themselves back  
16 to the U.K. or continent to start over again.

17 Q. A tramp ship on one of those runs,  
18 how often would she call here in a year, call in at one  
19 of your British Columbia ports in one year? How often?

20 A. Well, certainly if they were in  
21 the route I have described it would not call any more  
22 than once a year. Over and above that, there are some  
23 tramp ships which have been engaging exclusively in the  
24 trans-Pacific trade. The most noticeable ones there are  
25 the ships which have been carrying Canadian grain to  
26 China; they have been going back and forth. And the other  
27 one would be the Japanese ships which are going to take  
28 coal and the various kinds of ore out of this coast to  
29 Japan and coming back.

30 Q. How long would it take to make a





1 round trip with one of these ships?

2 A. In that latter category it would  
3 take anywhere from six to eight weeks.

4 Q. Or an average of how many trips a  
5 year?

6 A. It might make eight trips a year.  
7 Well, that is probably a little high. Say six trips a  
8 year, and if things are good, they might make eight.

9 Q. What about the lumber ships now?  
10 How long would it take to make a round trip?

11 A. Well, these lumber ships are part  
12 of the movement I have already described. They may make  
13 a world voyage before they ever come back here.

14 Q. So am I to understand that the  
15 master and officers on a tramp ship, the first category  
16 that you described, would be calling at your ports only  
17 once a year on an average?

18 A. It might be even less than that.

19 Q. And on the second class of ships  
20 which you mentioned which cross the Pacific, they come  
21 here on an average of about six times a year?

22 A. Yes.

23 Q. What about the lumber ship?

24 A. The lumber ship more or less comes  
25 in the first category. She will come into British  
26 Columbia in ballast. She will load lumber in six or  
27 eight ports or six or eight berths, and she will proceed  
28 from here to perhaps Australia, to perhaps South Africa,  
29 to perhaps the east coast of the United States. Once  
30 they get to the east coast of the United States, they







1 might load coal to Japan, or if they happen to be going  
2 to Africa, they might pick up a cargo at Africa and back  
3 up to the U.K.

4 Q. So in one year's operation a  
5 master might get very little experience of the coastal  
6 waters of British Columbia?

7 A. Very little.

8 Q. You said that you have ships with  
9 supercargo, and I understand you have quite a bit of  
10 experience in this regard. Would you now, Mr. Middleton,  
11 tell the Commission if it is to your knowledge that the  
12 masters of deep-sea ships handle their own ships when  
13 there is a pilot on board?

14 A. I would say in answer to your  
15 question that the vast majority of the foreign owners  
16 would much prefer to have a pilot on board.

17 Q. Would much prefer?

18 A. There are exceptions, but you are  
19 asking me in generalities. Speaking from my knowledge of  
20 our own company, we would certainly have a pilot.

21 Q. I am glad to have this answer, but  
22 it was not exactly what I had in mind when I asked you  
23 the question. I want you to say as to whether or not it  
24 is the general practice for masters of deep-sea vessels  
25 to handle their own ships when there is a pilot on board.

26 A. I would say most of the time that  
27 the deep-sea master turns his ship over to the pilot for  
28 operational control. But if he is a prudent master he  
29 will certainly stay with the pilot. I know of cases where  
30 this does not happen, but I still maintain a prudent





1 master would stay with the pilot on these inland waters.

2 Q. Would he stay at all times with  
3 the pilot in the wheelhouse or on the bridge?

4 A. No, because every properly operated  
5 deep-sea ship carries at least four other officers, and  
6 these are all qualified men also. The master may go  
7 down for his meals or go down for a nap. You must  
8 remember that a deep-sea ship making a landfall, the  
9 master may have been on the bridge for 24 hours before  
10 picking the pilot up.

11 Q. And it would be imposing quite a  
12 hardship on him to expect him to remain in the wheelhouse  
13 when the pilot reaches the ship and until it reaches its  
14 destination?

15 A. Nevertheless, if he is a prudent  
16 master, I think he would still spend a good deal of his  
17 time on the bridge, until the vessel is on a straight  
18 course and in an open waterway. But if any fog set in,  
19 I cannot imagine any master who would not be on the  
20 bridge. I would not have him in my employ if he was not.

21 Q. Is it not a fact that he may be  
22 a prudent master, but he may also be a tired master if he  
23 is up 24 hours?

24 A. I personally have been up 48 hours  
25 lots of times.

26 Q. Are you as alert as you are when  
27 you are rested?

28 A. I do not think you generally are.

29 Q. Now, these ships call at other  
30 ports, American ports, for example. What is the situation







1 there? You seem to have had quite a bit of experience  
2 south of the border concerning pilotage. Do they take  
3 pilots?

4 A. Generally speaking, yes. Are you  
5 referring to a specific port?

6 Q. Any port on the west coast of the  
7 United States. Is pilotage compulsory?

8 A. Well, starting in the north and  
9 working down, they have compulsory pilotage in Puget  
10 Sound, dating back to the middle thirties.

11 Q. Is it not a fact, sir, that at  
12 every port on the west coast of the United States pilotage  
13 is compulsory except for the Columbia River?

14 A. That is not entirely true. Going  
15 south from Cape Flattery from the mouth of the Columbia  
16 River, we have what we call bar pilots which board the  
17 ship twenty miles out from the entrance of the Columbia  
18 River and take the ship across the bar to Astoria, and  
19 there they are taken over by the river pilot. I do not  
20 believe that this bar pilotage is compulsory, but most  
21 ships will use the pilot.

22 Q. That is what I said, it is not  
23 compulsory.

24 A. When you get to San Francisco, the  
25 pilots board the ships somewhere halfway out from the  
26 Golden Gate to the Farallon Islands. As a matter of  
27 fact, I think when I was living in California bar pilotage  
28 was compulsory, and I assume it still is.

29 Q. Now, you stated this morning that  
30 you were watching pretty closely your operating costs.





1 Could you tell the Commission as to whether or not in  
2 general pilotage dues in United States waters are higher  
3 than the pilotage dues payable in Canadian waters on the  
4 west coast?

5 A. I am not currently aware of all the  
6 pilotage charges on the west coast of the United States.  
7 I have not lived in the United States for sixteen years.  
8 But I would think that the rates charged are probably  
9 somewhere comparable, with this exception, that we on the  
10 British Columbia coast have a much longer pilotage  
11 district, and this in turn calls for a lot of travelling  
12 on the part of the B.C. coast pilots, which in turn runs  
13 their total pilotage bills up. To load the same amount  
14 of cargo we have to cover a lot more area than you do in  
15 Puget Sound or San Francisco Bay.

16 Q. You have been with your company in  
17 Seattle for a number of years, according to your testimony  
18 yesterday, you have worked for a period of time for your  
19 company in Seattle?

20 A. I was manager of the company's  
21 subsidiary, the Border Line for twelve years preceding  
22 the war.

23 Q. And you had to do with the operation  
24 of ships down there?

25 A. Yes.

26 Q. Is it not a fact, sir, that the  
27 basic pilotage rates in the United States, on the west  
28 coast of the United States at least, are on a mileage  
29 basis only?

30 A. They are on a mileage basis only,







1 to the best of my knowledge, in Puget Sound, but I think  
2 when you get down to the Columbia River bar bills, the  
3 San Francisco bar bills and the San Francisco Bay bills,  
4 certainly tonnage and draught enter into it.

5 Q. Is it not a fact, sir, that some  
6 of the ships for which you are acting as agent here in  
7 Vancouver ply between Canadian ports and American ports?

8 A. In the course of their voyages as  
9 liners they load and discharge all up and down the coast,  
10 Canadian and American ports.

11 Q. Yesterday, sir, and this morning  
12 again you filed into the records of this Commission  
13 pilotage bills received in connection with your ships  
14 operating in and out of Canadian ports. Would you be in  
15 a position to file for comparable ships, ships of the  
16 same size, pilotage bills in United States ports?

17 A. No, I have not got access to any  
18 of those bills. They are paid by the company's offices  
19 in San Francisco, Portland or Los Angeles. I would have  
20 to request them. I do not know whether they would give  
21 them to me or not. We are only agents for these principals.  
22 The principals may say no; I do not know.

23 MR. JACQUES: If it would help my  
24 learned friend, I would say that we are requesting from  
25 the Department of External Affairs to be supplied with  
26 the pilotage rates applicable in the United States and  
27 also in most European countries.

28 MR. LANGLOIS: Thank you.

29 Q. Now, you mentioned yesterday the  
30 charter, and you mentioned you were using free in and free







1 out charter forms. That is correct?

2 A. Yes.

3 Q. Are these time charters or voyage  
4 charters?

5 A. F.I.O. charter, meaning free in  
6 and free out is basically a voyage charter.

7 Q. Do you use time charters?

8 A. There are lots of time charters on  
9 this coast, yes.

10 Q. What form do you use?

11 A. If it is a grain ship, it is  
12 called Baltimore Form C.

13 Q. Do you use the New York Exchange  
14 Produce Form?

15 A. Occasionally we use the New York  
16 Exchange Produce Form.

17 Q. In these charters is there any  
18 provision as to the payment of pilotage dues?

19 A. Which ones are you referring to?

20 Q. Free in and free out?

21 A. On the free in and free out type of  
22 charter, it is customary, yes, in this area, and I might  
23 add this type of charter party is almost exclusively in  
24 this area. Most of them have an allowance whereby the  
25 charter will pay the first \$1,500.00 of port costs, and  
26 beyond the \$1,500.00 it falls on the charter of the  
27 vessel.

28 Now, \$1,500.00 does not go very far.  
29 I showed you a pilotage bill this morning of over \$1,000.00,  
30 and this only leaves \$500.00 to cover all the rest of the





1 operating expenses for eight ports of call.

2 Q. Is it not a fact if the charter  
3 bears part of the port charges or port costs, whatever  
4 you call it, that he will have by the same token to pay  
5 less as charter hire?

6 A. Well, all these things are taken  
7 into consideration in your charter hire. The owner of  
8 the vessel --

9 Q. One offsets the other?

10 A. The owner of the vessel obviously  
11 is not going to charter out on this coast if he has not  
12 got a chance to at least break even on it.

13 Q. But in your trade is it not a  
14 general understanding that pilotage is a charge against  
15 a ship?

16 A. It is a charge against the ship  
17 generally speaking, except for this first \$1,500.00 --  
18 anything over the \$1,500.00 I mentioned in the F.I.O. type  
19 of charter. When you get into the grain charters and ore  
20 and coal charters, you have got a different situation  
21 again.

22 Q. But these are time charters?

23 A. No, they are voyage charters. All  
24 the grain moves out or most of it moves out of here on  
25 voyage charters, with the exception of a few time charters,  
26 ships that the Chinese Government has been sending in  
27 here.

28 Q. What movement would you have on a  
29 time charter?

30 A. On a time charter, the charter







1 agrees to take the vessel for a period of extended time.

2 Q. That is not what I meant. You  
3 misunderstood, or perhaps I did not make myself clear.  
4 What kind of cargo movement would you have under the time  
5 charter here on this coast?

6 A. There are a few companies that  
7 have time chartered ships. Some of the grain exporters  
8 will from time to time have a time chartered vessel, but  
9 generally speaking they use voyage charters.

10 Q. Now, coming back to the ships used  
11 for these cargo movements on the coast, are some of the  
12 ships manned by Canadian officers even though of foreign  
13 registry?

14 A. Generally not. They are generally  
15 manned by the nationals of the vessel's flag.

16 Q. You said generally speaking. Are  
17 there some of them manned by Canadian crews, Canadian  
18 officers at least?

19 A. Oh, I have had from time to time  
20 to try and find a mate, a Canadian mate to go aboard some  
21 other flag vessel here.

22 Q. Is that only for relief?

23 A. This is when they have illness, a  
24 man taken off the ship or deserts a ship or something  
25 else.

26 Q. How often does that occur?

27 A. Not too often. I do not know how  
28 often it would occur insofar as the whole industry is  
29 concerned. It probably does not happen more than once a  
30 year, as far as I personally am concerned.





1 Q. And it is done to take care of an  
2 unusual situation?

3 A. That is right.

4 Q. To replace a sick man or something  
5 like that? Yesterday, sir, and correct me if I am wrong,  
6 I understood you to say that the costs of pilotage were  
7 passed on to the Canadian exporters?

8 A. Exactly.

9 Q. That is what you said?

10 A. Yes.

11 Q. How do you explain that, sir?

12 A. Someone here in Vancouver charters  
13 a vessel to carry a cargo of grain or cargo of lumber or  
14 what have you to some other port. The owner of this  
15 vessel is obviously looking for a profitable voyage,  
16 and if the port costs are too great, it could be otherwise  
17 than a profitable voyage, but what always happens, not  
18 only in this industry, but most other places as well, the  
19 costs are finally passed on to the consumer and the  
20 consumer in this case is the man who charters the ship,  
21 which generally speaking is some local person.

22 Q. Is it not a fact, sir, that it is  
23 the consumer who pays the costs of any produce or finished  
24 product?

25 A. If you mean by that, if you are  
26 trying to say it is the consumer that buys the goods in a  
27 foreign country, the answer is yes, but we have got to  
28 keep our Canadian exporters competitive, and as I said  
29 this morning, a matter of twenty-five or fifty cents a  
30 ton in the price of a commodity sold in Vancouver will





1 perhaps eliminate the man's market.

2 Q. I hope you do not infer by that  
3 that twenty-five or fifty cents represents the cost of  
4 pilotage per thousand ton of lumber, for example.

5 A. It might or it might not.

6 Q. Have you ever worked it out?

7 A. It would be the percentage ---

8 Q. Have you worked it out, sir?

9 A. I worked it out for you yesterday  
10 in the case of 990 tons of aluminum out of Kitimat.

11 Q. Would you call that example you  
12 gave yesterday a fair example?

13 A. I would give it as a fair example  
14 on liner vessels. When you get to a tramp vessel and it  
15 is loading twelve, fifteen thousand tons, of course the  
16 percentage drops down.

17 Q. Would it be a fair example if I  
18 would give I think as an example of transportation costs  
19 in the City of Vancouver, the cost of sending a bus to  
20 New Westminster and back for one passenger instead of  
21 taking the cost of sending an ordinary cab to pick up this  
22 one single person?

23 A. Well, this is all relative. Of  
24 course it is going to cost more per passenger if you only  
25 carry one.

26 Q. This example I have just given  
27 looks better than the one you gave yesterday.

28 A. You are quite wrong. Anywhere from  
29 500 to 1,000 tons is a normal pickup in Kitimat.  
30







1 Q. You send a 10,000 ton ship to pick  
2 up 1,000 tons of cargo.

3 A. This is quite customary.

4 Q. But there is another factor which  
5 is very important. Is it not a fact your freight rates  
6 are higher on partial cargo than they are when you take  
7 full cargo at any port?

8 A. If one of these exporters in one  
9 of these outports could supply a full cargo, you are  
10 quite right, but none of them can. I have never in all  
11 my experience heard of a ship in this area loading a full  
12 cargo of pulp.

13 Q. Would you please answer my question.

14 A. I will endeavour to.

15 Q. When you send a ship to any port  
16 for a full cargo, do you get the same rate, freight rate,  
17 as you would get if you would send a ship only for a part  
18 cargo?

19 A. Of course not.

20 Q. Partial cargo?

21 A. The full cargo would move in a  
22 tramp ship and tramp ships are always lower than liner  
23 rates.

24 Q. It is lower than?

25 A. For the full cargo, yes.

26 Q. When you send your liner to  
27 Kitimat you pay much higher in freight rates than you  
28 would if you were sending a tramp ship, is it not a fact,  
29 with a full cargo?

30 A. The company up there could not





1 supply a full cargo outbound.

2 Q. Why?

3 A. Because they sell in smaller lots  
4 to world markets all over. Aluminum just is not bought,  
5 it just is not purchased in cargo lots anywhere in the  
6 world.

7 Q. Could they not wait until they got  
8 a full cargo before getting a ship in?

9 A. If you can persuade your buyer in  
10 Australia or China or wherever to take it that way, but  
11 I am sure you could not.

12 Q. This could be done?

13 A. It could be done if you got the  
14 cooperation of the rest of the world.

15 Q. Is it not a fact it has been done --

16 A. Not done to my knowledge.

17 Q. Done in the St. Lawrence River  
18 also?

19 A. I have no knowledge of the Atlantic  
20 coast.

21  
22 ---Short Adjournment.

23  
24 A. Some may be in the neighbourhood  
25 of, we will say, eighty thousand dollars. This is for  
26 the voyage from the B.C. ports to the east coast United  
27 States ports and on that type of charter the F.I.O. comes  
28 into it, because the charterer here is responsible for  
29 putting the cargo in the ship and getting it out again.

30 Q. Am I right in assuming that since







1 you are using lump sum trappers, that all the steaming  
2 time saved by the use of these boarding off stations, and  
3 the steaming time saved also in keeping the pilot on  
4 board as the ship moves from one port to the other, that  
5 this will be to the benefit of the charterers?

6 A. This will basically be to the  
7 benefit of the time charterer. In other words, it is one  
8 way of keeping his cost down. The time charterer is pay-  
9 ing for most of these port costs on that type of charter  
10 party.

11 Q. But there is also the saving in  
12 steaming time, which is quite important. Is that not a  
13 fact?

14 A. The saving in steaming time, of  
15 course, would accrue to the owner, but all these things  
16 are taken into consideration when an owner charters his  
17 vessel.

18 Q. This is the reason why your shipping  
19 people are agreeable to paying these detention and travel-  
20 ling charges to pilots?

21 A. Not entirely, no. I should again  
22 explain that we are not anti-pilot. We are not against  
23 the pilots. We recognize their worth, and we recognize  
24 that we have a very fine group of people here, but on the  
25 other hand, these things have been done by mutual ---  
26 they call it off boarding, debarking is what I think it  
27 should be called, which is of mutual benefit to all  
28 concerned, and of course, generally speaking, if a vessel  
29 has gone up a channel, and the master has a pretty good  
30 idea where he is going when he starts to come out again,





1 so that the services of the pilot are not quite as  
2 important once he is going out as they might be coming  
3 in. The pilot will say: "Well, Captain, your course is  
4 such and such degrees until you get abreast of such and  
5 such a light, and then you are away in the clear". This  
6 is generally the way the thing works.

7 Q. That is exactly what I wanted you  
8 to say. The gravy is not only for the pilot. There is  
9 some of it also for the ship owners and the charterers?

10 A. We feel that if we are going to  
11 ask the pilot to do something, reasonable remuneration  
12 should be paid for it.

13 Q. Yesterday you mentioned that the  
14 capital investment in some of these ships was as high as  
15 \$10,000,000.00. Were you taking into consideration the  
16 value of the cargo carried when you gave this figure?

17 A. When I gave that figure the first  
18 thing that came to mind was the new Mariner ships now  
19 generally coming into use in the United States, of which  
20 quite a few come into Vancouver. These ships were all  
21 built within the last year or year and a half, and the  
22 actual cost of those Mariner type ships is around  
23 \$10,000,000.00. The ship alone, nothing to do with the  
24 cargo.

25 Q. And what would be the value, roughly  
26 speaking, of the average cargo carried in this type of  
27 ship?

28 A. It would depend on the type of  
29 cargo it is carrying.

30 Q. Say lumber for example?





1 A: Oh, no, it would not be anywhere  
2 near that.

3 Q: Well, what would be the figure?  
4 What would be the value of a lumber cargo in this type of  
5 ship?

6 A: Not being in the lumber business,  
7 I do not know exactly what lumber is selling for, but I  
8 would hazard a guess that it is somewhere around sixty to  
9 seventy dollars a thousand, and the average ship will take  
10 out of here about five million feet. I cannot answer  
11 specifically, because as I say, I do not know the price  
12 of lumber in the export markets.

13 Q: So is it not a fact that the pilot  
14 assumes quite a responsibility when he takes charge of  
15 one of these ships?

16 A: Well, first of all I should correct  
17 that, that a ship of the class I mentioned as being  
18 worth \$10,000,000.00 is probably not going to be carry-  
19 ing lumber. She could not afford to.

20 Q: Well, just the same, to handle a  
21 ship, forget about the cargo, a \$10,000,000.00 ship is  
22 quite a heavy responsibility, is it not?

23 A: Of course it is a responsibility,  
24 but don't ever forget that the master is the man that is  
25 responsible.

26 Q: Yes, but just the same the pilot is  
27 advising him in coastal waters?

28 A: Yes, but he does not carry any  
29 responsibility or liability.

30 Q: But do you have to be legally







1 responsible to feel the burden of responsibility when you  
2 are discharging any duty?

3 A. No, I think the pilots are very  
4 well aware of their responsibilities.

5 Q. Now, according to your own experience,  
6 is a deep-water man usually a good coastal man?

7 A. He is not a good coastal man until  
8 he has had some experience on the coastal runs.

9 Q. Yes, of course you must know the  
10 old saying, eh, which goes like this. A deep sea man is  
11 lost when he sees the land, and a coastal man is lost when  
12 he loses the land?

13 A. Well, I will not go for that. The  
14 Philippine Islands, for instance, are just as intricate  
15 as the B.C. coast, and there are no pilots out there,  
16 except port pilots.

17 Q. Where is that?

18 A. I said in the Philippine Islands.  
19 The Philippine Islands are made up of a group of something  
20 in the neighbourhood of eleven or twelve hundred islands,  
21 with very intricate passages and coral heads everywhere,  
22 and they do not get pilots to go around the islands out  
23 there.

24 Q. Do you mean by that that pilotage  
25 should be dispensed with here in these waters?

26 A. I am not suggesting or recommending  
27 it, no. I am merely telling you that there are places in  
28 the world in which they do not use pilots, which are just  
29 as intricate as this coast.

30 Q. There are some cities too in the





1 world where there is no control over traffic, but one has  
2 to look at the rate of accidents to see whether it is a  
3 good thing or not?

4 A. Insofar as I am concerned, I think  
5 a deep-sea vessel would normally use a pilot, particularly  
6 those that do not call very often.

7 Q. Then, sir, how long in your estima-  
8 tion would it take for a deep-water master to become  
9 sufficiently acquainted with the local waters to dispense  
10 with the services of a pilot?

11 A. I would say that if a deep-water  
12 master, with all the training and experience that goes  
13 with having that deep-water master's certificate, that if  
14 he went over a run ten times he ought to know that run.

15 Q. Ten times provided he is on the  
16 bridge all the time?

17 A. Provided he is on the bridge when  
18 it goes from here to there, yes.

19 Q. Yes, and provided that he is  
20 well acquainted with the changing conditions in coastal  
21 aids to navigation?

22 A. Yes, this information is available  
23 in the Coast Pilot, and on all your charts. We have had  
24 samples of them here. All the lights are marked, and so  
25 on.

26 Q. But you know that these aids to  
27 navigation are subject to changes also?

28 A. Yes, but the changes are announced  
29 and they are posted.

30 Q. Yes. How are they announced?







1 By the mail?

2  
3 A. We get Notices to Mariners put out  
4 by the Department of Transport.

5 Q. Let us take your ship that takes a  
6 year for a round trip. How would the master be familiar  
7 with the changes in aids to navigation?

8 A. He would not. I am not suggesting  
9 that the man who comes in here once a year would be a  
10 good coastal pilot. I said he would have to go over a  
11 specific run around ten times.

12 Q. That would take him at least ten  
13 years then, at the least?

14 A. If he did it in that way, but what  
15 is to stop him getting a job as a mate on a towboat, and  
16 getting that experience, or as a matter of fact, on a  
17 run such as the ferry boat run. Any of us could stand on  
18 the bow of that boat with a chart and a pair of dividers  
19 and a parallel ruler and a compass, and lay it off for  
20 ourselves, riding as a passenger ten times.

21 Q. You have done this yourself?

22 A. This would not be difficult if you  
23 want to ride the ferry to Saanich ten times and stand up  
24 on the bridge of the vessel, and take your bearings as  
25 you went along. Sure, you would know it well enough.

26 Q. Then we could do away with all  
27 these requirements as to certification of pilots in  
28 coastal waters according to your testimony?

29 A. No, because this man would still  
30 have to take his examination, but this is one way he  
could get experience, if he could not get it in any other.





1 Q. Do you mean to tell the Commission  
2 that the master of a deep-sea ship, be it Japanese,  
3 Liberian, or a British ship, who comes here only once or  
4 twice a year, after a number of years would become as good  
5 a coastal man as your pilots with all their training and  
6 experience?

7 A. No, I am not trying to tell you  
8 that at all.

9 Q. Now, you mentioned yesterday that  
10 all that was necessary for the deep-sea man to take  
11 charge of his ship in pilotage waters would be to merely  
12 familiarize himself with the coast. Is that what you  
13 meant?

14 A. Exactly.

15 Q. Then, sir, you must have in your  
16 trade presently masters of ships, of deep-sea ships, who  
17 in your own estimation have had that kind of experience,  
18 and could take their ships through the coastal waters of  
19 British Columbia?

20 A. We have masters in the ships that  
21 we represent who could undoubtedly do their own piloting  
22 over certain segments of the B.C. coast, but we certainly  
23 would not expect, nor want to have those men going helter-  
24 skelter up and around the coast. For instance, the run  
25 from Vancouver to Victoria. We have masters that could do  
26 that. We are not recommending it, but I am sure they can.  
27 They have gone over it enough times, but they may not  
28 have ever been into Nanaimo. They may not ever have been  
29 into someplace else.  
30

Q. Then, sir, would you explain to





1 the Commission why is it that if you have such men on  
2 your present-day ships that could take your vessels to  
3 these outports without pilots, since you are complaining  
4 about the high cost of pilotage, how is it that you do not  
5 just merely pay the pilotage and send these ships without  
6 pilots on board?

7 A. We are not complaining about the  
8 basic rates of draught, tonnage, and mileage on any of  
9 the gulf runs, and so on. We only brought up this  
10 question of excessive pilotage where we get into northern  
11 waters, and the travelling time and the travelling  
12 expenses become excessive.

13 Q. I do not think, sir, you have  
14 answered my question?

15 A. I am sorry.

16 Q. My question is this. If you feel  
17 that you had deep-sea men with enough experience of the  
18 British Columbia coastal waters to handle the ships, how  
19 is it that you do not use them today, that you do not do  
20 away with the services of pilots, since you claim that  
21 the cost of pilotage is quite an important factor in your  
22 operating costs?

23 A. It is good discretion to take  
24 advantage of all the aids you can get, and the carrying  
25 of pilots definitely contributes to the overall safe  
26 navigation.

27 Q. Then I do not understand, sir, why  
28 your Chamber of Shipping is recommending that we do away  
29 with the services of pilots for certain ports of British  
30 Columbia, as is indicated in your brief?







1 A. Well, where we advocated that was  
2 in some of the smaller ships that are carrying generally  
3 newsprint from some of these paper mills such as from  
4 Ocean Falls down to California, and making, I think we  
5 said in the brief, 26 voyages a year. That those people  
6 are qualified.

7 Q. Then you feel that you will not be  
8 endangering the safety of navigation in doing that?

9 A. I do not think we would be.

10 Q. Have you consulted with the masters--  
11 after all, the masters handle their ships, as to whether  
12 or not they would be prepared to sail their ships without  
13 the services of pilots in these waters?

14 A. I have not personally consulted  
15 with the masters of the ships I mentioned, because I do  
16 not have occasion to go aboard those ships.

17 Q. Have you consulted with the owners  
18 of these ships as to whether or not they would be prepared  
19 to let the masters of these ships handle these ships with-  
20 out the services of pilots in the waters of British  
21 Columbia?

22 A. Some of them would. We had a line  
23 here, the Coastwise Line. They operated generally with-  
24 out a pilot, but they paid the pilot's dues.

25 Q. These are American ships?

26 A. Yes.

27 Q. Do they use pilots in U.S. ports?

28 A. No, they are given what is called  
29 enrolment once they get into a foreign port.

30 Q. Are you referring to the Federal





1 A. American ships can either be  
2 registered or enrolled, and if they are in domestic trades  
3 they are normally enrolled, rather than registered, and an  
4 enrolled ship, generally speaking, does not carry a  
5 pilot.

6 Q. Is it not a fact that even an  
7 enrolled ship will be subject to the compulsory payment of  
8 pilotage under the State Laws?

9 A. I cannot answer for all the  
10 States, I am sorry. I just have not had enough experience  
11 in other places.

12 Q. You are acting, sir, as ship agent  
13 for these ships. Could you obtain this information as  
14 to whether or not the class of ships that you are  
15 referring to can dispense with the payment of pilotage  
16 dues in American ports? It is very important.

17 A. I do not know whether we can or not.  
18 We do not represent any of those ships. If I were to  
19 apply to somebody for that type of information it would  
20 be like writing to a stranger and saying will you tell me  
21 this.

22 Q. I am informed that the ships you  
23 are referring to do not operate any more. Is that a fact?

24 A. They suspended operations, as I  
25 remember, about two years ago. Then it is very easy to  
26 make a representation that they be exempt from pilotage  
27 dues, if they are not operating?

28 A. I am speaking of the period when  
29 they were operating.

30 Q. We are speaking of today, and your







1 recommendation is not for the past, it is for the future.

2 A. Well, any company can go ---

3 THE CHAIRMAN: I suppose your recommen-  
4 dations are not only for the ones in the past, but also  
5 for the same category today?

6 MR. LANGLOIS: Yes.

7 THE CHAIRMAN: I think it is clear  
8 enough.

9 Q. Yesterday you paid quite a  
10 compliment to the B.C. coastal pilots. You said they  
11 were the finest group of pilots. You even compared them,  
12 probably to my dislike because I am an east-coast man, to  
13 our east-coast pilots, but am I to understand that you  
14 have no reason for complaint about the services given by  
15 the pilots on this coast?

16 A. I would say that generally speaking  
17 we have no complaints with the type of service they give  
18 us. I think they give us exceptionally good service. My  
19 remarks about the east coast were probably a little  
20 immature. All I know about the east coast pilots is the  
21 troubles I read about in the newspapers.

22 Q. I do not want to get into trouble,  
23 but do not always trust the newspapers, because I have  
24 a fine example of this where we have a heading: "Shipping  
25 interests say pilot's fee excessive". Was this  
26 information supplied to the newspaper by your Chamber of  
27 Shipping?

28 A. I very seriously doubt that that  
29 was. Oh, I remember that article, and we wondered at the  
30 time how it got there. We are unable to account for it.





1 In our own Chamber meetings the thing came up and no one  
2 would admit to having put that in, and where the newspaper  
3 got it we do not know.

4 Q. You do not agree with the contents  
5 of this news item?

6 MR. JACQUES: If you wish to make a  
7 charge of contempt, please do so.

8 MR. LANGLOIS: It is only a rectifica-  
9 tion of facts.

10 Now, yesterday, sir, you complained  
11 about the fact that the shipping people, shipowners, were  
12 not allowed to attend inquiries into shipping casualties.  
13 Were you referring then to the preliminary investigation  
14 which is called in the Department the fact-finding  
15 investigation, carried out normally by the local Supervisor  
16 of Pilots? Were you referring only to this type of  
17 investigation, or were you also referring to the preliminary  
18 inquiries?

19 A. I was referring to the preliminary  
20 type of inquiry. Where you have a loss of life and this  
21 thing goes before a court, I know we have access. But I  
22 was referring basically to --- well, I assume that the  
23 Superintendent of Pilots gets the first knowledge of any  
24 minor casualty and reports it to Capt. Barber's department.  
25 But I know Capt. Eddy is not permitted to give us any  
26 information; and I also know that Capt. Barber does not  
27 invite us into any of his hearings.

28 Q. But you are not referring to  
29 preliminary inquiries?

30 A. Well, I think it is basically ---





1 I am not too sure of the procedure there. I think it is  
2 the preliminary inquiry. I can confirm this, that we  
3 can ask a pilot to come down aboard the vessel and tell  
4 us his views, but it does not give us any chance to hear  
5 the other side of the story or hear his cross-examination  
6 or anything else.

7 Q. I know on the east coast the  
8 shipowners are allowed to attend the inquiries, and they  
9 do.

10 A. There was one case where I asked  
11 Capt. Eddy if I would be permitted to attend, and he told  
12 me I could not. This is the ship that collided under the  
13 bridge, six years ago.

14 Q. Supposing one of your ships is  
15 involved in a collision with another ship, would you have  
16 any objection to the owner or representative of the owner  
17 of the ship attending the inquiry carried out on board  
18 your own ship?

19 A. If it is going to be an inquiry,  
20 no, but when they go aboard our ship it is normal to get  
21 a statement from our own people. Then, of course, they  
22 have got to get a statement from the other side, and these  
23 two are both presented in due course. This is where I  
24 think we should be permitted to be present.

25 MR. LANGLOIS: I hope my learned  
26 friend Mr. Jacques will have a witness from the Depart-  
27 ment to clarify this situation.

28 THE CHAIRMAN: We will have Capt. Eddy  
29 to speak to that.

30 THE WITNESS: When I made that statement







1 I was thinking of a collision directly under the Lions  
2 Gate Bridge between a States steamship company vessel and  
3 an American Mail Line vessel, an inbound vessel and an  
4 outbound vessel. This happened six or eight years ago,  
5 and I was asked by my principals if I could attend the  
6 hearing, and I asked Capt. Eddy and I was told at that  
7 time that I could not. A second thing I endeavoured to  
8 do in that particular case was to get the testimony of  
9 the watch officer on the signal station on the bridge, and  
10 the National Harbour Board turned me down and would not  
11 let me question him. So we got nothing at all.

12 Q. Probably we will have Capt. Eddy to  
13 clarify this.

14 Yesterday, if I understood you correctly,  
15 you complained of the Merchant Service Guild negotiating  
16 on behalf of the pilots?

17 A. I said that, yes.

18 Q. Would you give the Commission one  
19 single example where the Canadian Merchant Service Guild  
20 negotiated on behalf of the pilots?

21 A. We have had representatives of the  
22 Canadian Merchant Service Guild attend some of our meet-  
23 ings with the pilots.

24 Q. Would you please name them?

25 A. I cannot give you the dates, but I  
26 think Mr. Sankey, who has acted as our secretary, may have  
27 a memorandum, a record of the two or three times this  
28 occurred.

29 Q. Two or three times?

30 A. Yes.





1 Q. And was he participating in the  
2 negotiation?

3 A. I do not know if he was participating.  
4 He was present.

5 Q. I thought you said yesterday that  
6 the Canadian Merchant Service Guild were acting as bargain-  
7 ing agents for pilots?

8 A. They asked to, and we objected.

9 Q. They asked whom to act as bargaining  
10 agents for the pilots?

11 A. I am quite certain that the  
12 Pilots' Committee brought in with them on more than one  
13 occasion a representative of the Guild.

14 Q. Is it not a fact that it happened  
15 that a request was made to have a man from the Guild merely  
16 to take notes of what was taking place, but that he never  
17 participated in the negotiations?

18 A. I could not recall offhand whether  
19 this individual had anything to say or not. We immediately  
20 expressed our disapproval. I think he probably took  
21 notes and said nothing.

22 Q. And said nothing. So he was surely  
23 not negotiating as bargaining agent for the pilots?

24 A. I think he came in for the purpose  
25 of negotiating, until we objected to it.

26 Q. Mr. Middleton, it is not for you  
27 to read the intention of another person. It is quite  
28 difficult. Is that not a fact?

29 A. That is a fact.

30 MR. JACQUES: Excuse me, since the







1 problem of negotiation of rates is an important one as  
2 regards the Commission, I would ask the representative  
3 of the Guild if he would be kind enough to procure the  
4 attendance of the Guild's Secretary on Saturday morning.

5 I understand the Guild's Secretary is in Vancouver now,  
6 is he not?

7 MR. LANGLOIS: He is only working as  
8 a clerk in an office for the sake of keeping records and  
9 things like that.

10 MR. JACQUES: I will leave it to you  
11 to have before the Commission a representative of the  
12 Guild or an officer of the Guild to shed some light in  
13 this field.

14 MR. LANGLOIS: My lord, I have been  
15 acting as counsel for the Guild for a number of years, and  
16 it has never been brought to my knowledge that the Guild  
17 was negotiating on behalf of pilots.

18 THE CHAIRMAN: Perhaps Capt. Gosse will  
19 be able to say that on Saturday.

20 MR. LANGLOIS: And another thing, my  
21 lord, if Mr. Middleton is referring to Capt. Gosse in his  
22 capacity as a member of the Board of the Guild.

23 MR. JACQUES: Was it Capt. Gosse you  
24 saw representing the Guild?

25 THE WITNESS: Very definitely no.

26 MR. JACQUES: Do you know Capt. Gosse?

27 THE WITNESS: I know Capt. Gosse very  
28 well.

29 MR. BIRD: So that it may be kept in  
30 balance, my lord, I think what the witness said was that





1 the Guild requested or asked for them to be allowed to  
2 negotiate and that that was refused. It was my under-  
3 standing that that is what Mr. Middleton said in the part  
4 of his testimony.

5 MR. LANGLOIS: More than that, my lord.  
6 As counsel for the Guild I can say that the Guild is not  
7 certificated as a bargaining agent.

8 THE CHAIRMAN: The witness said that he  
9 gathered the impression that it was. Maybe he was wrong,  
10 because it is difficult to read minds of other people.

11 MR. LANGLOIS: I refer to both the  
12 testimony and the brief at page 5 where it says: "We  
13 recommend that the Guild should have no place in  
14 negotiations involving pilotage matters..."

15 THE CHAIRMAN: Do you agree with that?

16 MR. LANGLOIS: No, I do not agree with  
17 it. But it is not a fact.

18 THE WITNESS: If it is not a fact, then  
19 we do not have to worry about the recommendation.

20 THE CHAIRMAN: I suppose in your  
21 recommendation you are going to develop this point as to  
22 whether the Guild should or should not.

23 Q. Yesterday, sir, you filed as  
24 Exhibit 107 pilotage bills paid for the ship NEW YORK.  
25 Would you mind giving the deadweight capacity of that  
26 ship?

27 A. Her deadweight tonnage would run  
28 about 10,000 tons. This is deadweight you are asking me  
29 now; this has nothing to do with gross, net and other  
30 tonnages.







1 Q. Now, you also testified yesterday  
2 as to the increased cost of pilotage. As a ship operator  
3 and ship agent, would you tell the Commission how the  
4 increase in pilotage dues on this coast compares with the  
5 increase in other port charges such as terminal charges,  
6 stevedoring, and so on?

7 A. You are asking me a pretty diffi-  
8 cult and complicated question to answer. This would  
9 involve an analysis of all costs, and we could be days  
10 getting those kinds of figures together. If you could  
11 simplify it I would endeavour to answer.

12 Q. Say in the last five years, how  
13 much has stevedoring charges increased in the Port of  
14 Vancouver, percentage-wise?

15 A. I would guess that our stevedore  
16 rates, the rates we pay to a contracting stevedore may  
17 have gone up 15% in that period.

18 Q. In the last five years?

19 A. This is an estimate on my part.

20 Q. Do you include in that 15% the  
21 cost to you resulting from the many restrictions existing  
22 nowadays in these stevedore contracts, such as the time  
23 of calling stevedore gangs, for example, the detention of  
24 stevedore gangs on the jetty if the ship is delayed, and  
25 if you do not use them? Does that 15% include that?

26 A. Including those things, again as  
27 more or less a wild estimate, it may be another 5% or  
28 10%. But, generally speaking, we have not had too much  
29 difference in the conditions of employment of longshore-  
30 men over the last five years. We have had restrictions







1 for some time. We have a minimum call-out period of four  
2 hours, which has been in existence for quite a while now.  
3 I would have to look back in the records to make sure when  
4 it went into effect.

5 Q. Was it not in 1958 or 1959 you had  
6 a longshoremen's strike on the west coast?

7 A. Yes.

8 Q. What was the increase granted to  
9 the stevedores following that strike?

10 A. Well, the last settlement we had  
11 was a two-year deal in which the men got a certain  
12 increase for the first year and a second increase the  
13 second year. It is going through my mind that it totalled  
14 about fifteen cents an hour, seven cents one year and  
15 eight cents the next, something of that sort. I could  
16 not tell you exactly without examining.

17 Q. If you take into account this  
18 increase, it would be more than 15%, only as a result of  
19 that 1958 strike?

20 A. Oh, I do not think so. Our wages  
21 to longshoremen, the take-home pay of a longshoreman is  
22 in the neighbourhood of \$3.00 an hour now.

23 Q. \$3.00 an hour?

24 A. Yes.

25 Q. For an eight-hour day?

26 A. Yes.

27 Q. And with overtime after that?

28 A. Well, the overtime is time and a  
29 half.

30 Q. Time and a half?





1 A. After five o'clock.

2 Q. After five o'clock, up to midnight?

3 A. Up until, yes, eleven o'clock  
4 normally we stop.

5 Q. After that is it not double time?

6 A. We are not permitted to work  
7 beyond that, we have one hour's leeway to try to get the  
8 ship out in which it doubles again, but there is absolutely  
9 no work after midnight under any circumstances.

10 Q. And holidays, is it not double time?

11 A. It is double time on holidays, and  
12 it is time and a half on Saturdays.

13 Q. What about boat charges, have they  
14 increased in the last five years, and if so, by how much?

15 A. The Department of Transport changed  
16 their procedures. For many, many years they did not  
17 charge us anything for a boat, but it was about, I would  
18 guess, maybe four or five years ago that they came to us  
19 and asked for \$10.00. A \$10.00 contribution towards the  
20 boats that they own and operate. I think this is right,  
21 but you can get the exact figures from Capt. Eddy's  
22 office.

23 Insofar as privately-owned pilot  
24 boats are concerned, I know they have gone up. I could not  
25 tell you precisely, but I suppose they have gone up half  
26 again in some cases.

27 Q. What about tug services? Have  
28 they increased in recent years?

29 A. We have had a little increase in  
30 tug services.







1 Q. How much?

2 A. It seems to me if I can remember  
3 correctly the towboat company told us after their last  
4 wage increase they were going to raise our bills 10% or  
5 15%, something of that sort.

6 Q. Can you, sir, check on those  
7 figures and probably Saturday morning give me the exact  
8 figures?

9 A. I will endeavour to.

10 Q. Stevedoring charges and tug charges.

11 A. I will endeavour to get that, yes.

12 Q. Thank you. In your brief, you  
13 make a recommendation for additional pilots in Prince  
14 Rupert. How many pilots do you feel there should be  
15 stationed there?

16 A. I do not think our recommendation  
17 called for additional pilots. I think our recommendation  
18 rather was ---

19 Q. A resident pilot?

20 A. Some of the present pilots might  
21 be stationed there. This would be a matter that would have  
22 to be discussed between the pilots and the Superintendent  
23 of Pilots and ourselves to try and arrive at the workload  
24 so as we could properly adjust that number. Offhand I  
25 would say that there would have to be at least two; one  
26 might be out on the job and there would be another job  
27 in the harbour to be done.

28 Q. Is it not a fact, Mr. Middleton,  
29 this was the fuss about a year ago between the Chamber of  
30 Shipping and the pilots, and you sent a man to Rupert to





1 investigate on the traffic, and the result of this  
2 investigation was that the volume of traffic did not  
3 warrant a resident pilot at Prince Rupert?

4 A. We got these figures, incidentally,  
5 on the number of movements in and out of Prince Rupert  
6 from the Superintendent of Pilots, and at that time the  
7 Superintendent of Pilots and the pilots themselves both  
8 indicated that the trade in the area would not support  
9 pilots using their present income as a measuring stick,  
10 but then this is different than what we are suggesting  
11 in our brief. Namely, that the lower mainland area would  
12 have to make a contribution or subsidy, if you want to  
13 call it that, towards the men up there.

14 Q. In other words, you are suggesting  
15 that the pilots of British Columbia should have a pilot  
16 resident in Prince Rupert for the convenience of shipping,  
17 but that they should pay for it? Is that a correct  
18 interpretation of your recommendation?

19 A. Our feeling is there should be  
20 sufficient money going into the pool to take care of this  
21 situation.

22 Q. Is it not a fact that money would  
23 have to be taken from somebody else's pay?

24 A. Presumably, yes, unless the traffic  
25 were to increase correspondingly, which it has been  
26 pretty consistently doing.

27 Q. Now, sir, if you have one pilot  
28 resident in Prince Rupert, what would happen when this  
29 pilot is away taking a ship to an outport?

30 A. That is why I said in my opinion





1 it would probably take two.

2 Q. Two?

3 A. Or maybe more. I am not prepared  
4 to say until we again studied the records.

5 Q. So it comes to this, you are asking  
6 the B.C. pilots to subsidize at least two and probably  
7 three pilots in Rupert for the sole convenience of  
8 shipping?

9 A. Not for the sole convenience of  
10 shipping, no. To try and keep the excessive expenses in  
11 line, because as I have said before, these costs eventually  
12 land on the Canadian exporter. We want to protect and  
13 see these industries prosper. If we do not do this, none  
14 of us will have jobs.

15 Q. Now that you are talking of the  
16 cost of pilotage, this morning, sir, you gave the example  
17 of the Sonic, and you filed into the record pilotage  
18 bills paid by that vessel.

19 Is it not a fact that when the Sonic  
20 left Vancouver on that voyage she was carrying 43,200  
21 tons of grain?

22 A. That ~~was~~ the newspaper report.

23 Q. Is it not a fact that taking into  
24 consideration the pilotage she paid in and out, this  
25 amounted to .0149 cents per ton of cargo carried?

26 A. I cannot say whether it is a fact  
27 or not. If you have figured it out, I will assume you  
28 did it correctly.

29 Q. Do you think this is a very big  
30 factor in your costs of operation, one cent per ton?







1 A. On that particular vessel, no, it  
2 is not, but that is not a typical case. This is the  
3 largest carrier that has ever been in the port.

4 MR. BIRD: Of course I think he should  
5 give the freight rate.

6 MR. LANGLOIS: I am sorry, it is 1.49  
7 cents. That is a cent and a half. That is taking into  
8 account the total amount of pilotage costs. If you take  
9 out of this the boat charges and the detention, it comes  
10 down to 1.2 cents.

11 Q. Now, you mentioned this morning  
12 in your testimony another boarding station or pilotage  
13 station. You called it an intermediate station. This  
14 new station would be in addition to the recommendation  
15 for a resident pilot or pilots in Rupert; is that right?

16 A. That is correct.

17 Q. So that this intermediate station  
18 would not take care of what you want in Rupert, and you  
19 still want to have the resident pilots in Rupert; is that  
20 correct?

21 A. That is correct.

22 Q. I understood you to say you had  
23 no idea where the station should be; is that correct  
24 also?

25 A. We have taken the position that  
26 this is a rather complicated decision to make. It would  
27 require the assistance of ~~other~~ marine experts, and  
28 consequently we did not put into our brief any recommenda-  
29 tion for a specific spot.

30 Q. Is it nota fact that some of your





1 members have suggested New Bella Bella should be the  
2 place?

3 A. I have heard it mentioned.

4 Q. Do you agree with this suggestion?

5 A. I would agree with that suggestion  
6 providing, first of all, the Lighthouse Department provided  
7 proper aids to navigation in the channel leading to  
8 Bella Bella. When I say aids to navigation, powerful  
9 lights, fog horns, D/F stations and so on; providing there  
10 is a suitable seaworthy pilot boat available at that  
11 point; providing we could make a deal with one of the  
12 local air transportation companies that they would put  
13 pilots down at that point when we wanted it.

14 There are a lot of factors that would  
15 have to go into this, and I think it could only be done  
16 by the selection of the point --- the selection of the  
17 point could only be done by the joint recommendations of  
18 the pilots, Chamber of Shipping, Department of Transport  
19 and several other people to make the thing work and make  
20 it operative.

21 Q. Is it not a fact, sir, that the  
22 difficulties that you are having in picking a place for  
23 a station in the northern portion of the pilotage district  
24 is due to the lack of communications in this northern  
25 portion of the district, both by air and land?

26 A. This is one of the problems, yes.

27 Q. This is the problem?

28 A. This is one of our problems, which  
29 I say we would have to endeavour to solve.

30 Q. Taking the case of New Bella Bella,







1 is it not a fact, sir, that if you place a station on  
2 New Bella Bella, the pilot boat will have to travel at  
3 least twenty miles?

4 A. I imagine it probably would.

5 Q. To meet the ship?

6 A. Something of that sort.

7 Q. Who will pay for the costs of  
8 operation of such a station and the operation of such a  
9 pilot boat?

10 A. Well, the pilot boats are normally  
11 under the control of the Department of Transport.

12 Q. Is it not a fact that pilot boats  
13 used in the northern portion of the district are not owned  
14 by the Department, but are privately-owned vessels?

15 A. That is true, but that does not  
16 follow that the Department of Transport on proper  
17 representations and with a full understanding of our  
18 problems might not supply one.

19 Q. Have you made representations to  
20 that effect to the Department in the past?

21 A. We have not recommended one for  
22 this particular assignment, because this is something  
23 that is in the development stage.

24 Q. This morning, sir, you gave in  
25 your evidence some information concerning this three-hour  
26 detention charge. Is it not a fact that this charge is  
27 not in effect because the bylaws have not been  
28 amended yet?

29 A. Detention charge where, sir?

30 Q. The three-hour detention charge if





1 the pilot was detained for more than three hours in  
2 leaving a ship in the northern district?

3 A. This is one of the things that the  
4 pilots have asked us for, and we agreed to it in joint  
5 meetings, and I am not quite sure whether it has got into  
6 the bylaws yet or whether it has not. It has been  
7 approved insofar as we are concerned.

8 Q. It is not in the bylaws.

9 A. Well, I have not noticed whether  
10 there has been notification of it or not. I might mention  
11 the pilots asked for this, and we were willing to go  
12 along with them, because generally speaking we want to  
13 be reasonable people.

14 Q. Sir, in your brief on page 4 you  
15 say: "We further recommend that some provision, other  
16 than those presently in effect, should be made for deep-  
17 water men to become eligible for the pilotage service".

18 A. Yes.

19 Q. Would you please further elaborate  
20 on this? What do you mean by some provision other than  
21 those presently in effect?

22 A. Some provision other than those  
23 presently in the bylaws. That is what we basically  
24 meant there.

25 Q. I am not quite too clear as to  
26 what you have in mind.

27 A. Well, the bylaws have men-  
28 tioned that one of the requirements for the pilotage  
29 service is three years in command of a coastal vessel.

30 Q. Yes?





1 A. And we contend that if a deep-water  
2 master or if a deep-water man has already obtained his  
3 qualifications and certificates, that he has been in  
4 command. It should not then be necessary for him to  
5 again be in command of a coastal vessel. He could get  
6 this experience riding as a mate or something else.

7 Q. In your estimation, how many deep-  
8 sea masters are there presently on the west coast?

9 A. In the pilotage service?

10 Q. No, not in the pilotage service,  
11 deep-sea ships?

12 A. In other than the B.C. district,  
13 most of them are. I might take that back on Puget Sound.  
14 All your Columbia River bar pilots are deep-sea men and  
15 your San Francisco bar pilots are deep-sea men. Most of  
16 your San Francisco Bay pilots are deep sea men, and I am  
17 not too sure on Puget Sound. I would hazard a guess that  
18 it is about 50-50 between men with coastal licences and  
19 men with deep-sea licences.

20 Q. But your recommendation has to do  
21 with future pilots, and if I understand it correctly, you  
22 would like to see more deep-sea men coming into pilotage?

23 A. Into the pilotage service.

24 Q. How could you do that if you have  
25 no deep-sea officers available?

26 A. This is definitely a situation  
27 which has come upon us in the last few years, with the  
28 demise of the Canadian ships admittedly, but there are  
29 still some Canadian officers on other ships. I know of  
30 Canadian officers on some of the British ships. They are







1 having to go to the British ships now to get their  
2 tickets, or licences, because they cannot get it on the  
3 Canadian ships, but they will go to England and sign on  
4 and get their Board of Trade Ocean Licences, because  
5 there is no provision, or not too much opportunity for  
6 them to get them here.

7 Then they drift back to their home  
8 area, and they should be eligible for the pilotage services.

9 Q. What basically prevents them from  
10 becoming pilots?

11 A. Basically because by the time a  
12 man has put in enough years to get his deep-sea tickets,  
13 and then put in enough years to go as mate, second-mate,  
14 and first-mate, and in command of a coastal vessel, by  
15 this time he is probably beyond the age limit within  
16 which he can qualify under our present restrictions.

17 Q. That is exactly what I want to get  
18 What would be your suggestion, or recommendation to  
19 rectify this situation? If they are too old to come back  
20 to the pilotage service, what can you do about it?

21 A. Well, they are too old because  
22 they have to spend nine years on this coast on top of  
23 their other experience to qualify for their three years  
24 as master. No company to my knowledge is going out on  
25 the street and hiring a master. They are going to take  
26 these masters from among their own personnel. So that  
27 means that the man is going to have to go through the  
28 whole series of second-mate, first-mate, and master,  
29 before he can do this. Generally speaking, There may be  
30 an exception.





1 Q. Take a master or mate deep-sea.

2 He wants to join the pilotage service of British Columbia.  
3 What is preventing him from doing that now?

4 A. Because he will have to put in six  
5 years with a coastal company to get command.

6 Q. Why six years?

7 A. Because generally speaking most of  
8 the coastal companies do not want to bring a man in and  
9 put him over all of their mates. I am sure the Guild  
10 would be the first people to object if we did that kind  
11 of thing.

12 Q. There is nothing to prevent a  
13 deep-sea mate or master at the present time from becoming  
14 a pilot. All he has to do is serve some time in the  
15 coastal service, and that is the end of it.

16 A. But to get to be a deep-sea master  
17 he has to put in eight to ten years.

18 Q. How can you shorten that time?

19 A. This present requirement is that  
20 the man be in command for three years. Now, there is a  
21 vast difference between being in command and riding on a  
22 coastal vessel in some minor capacity. He has already  
23 had command, so he does not need the command experience.  
24 He needs experience in the coastal run.

25 Q. Are you suggesting a system of  
26 apprenticeship? We are looking for a suggestion, or  
27 information for clarification of your recommendation,  
28 that is all?

29 A. Well, this is our recommendation.  
30 That the man put in three years on a coastal vessel, but







1 not necessarily in command.

2 Q. Not necessarily in command?

3 A. He has already had the experience  
4 of command. He does not need that all over again. This  
5 will shorten up the period.

6 Q. And this will be a lessening in  
7 the present qualifications to become a pilot?

8 A. Exactly.

9 THE CHAIRMAN: So I think we will  
10 finish for tonight, and tomorrow we will resume on the  
11 sixth floor at nine-thirty. It will just be for the  
12 matter of seeing the conditions there. It will not be  
13 a hearing the way it is now.

14 We are going to resume the formal  
15 hearing on Saturday morning at nine-thirty in the forenoon  
16 here, and we will go till noon. After that we will  
17 have to adjourn, because we are going to Prince Rupert  
18 on Monday, and we will adjourn sine die. Well, it might  
19 be till Wednesday or Thursday the week after, but anyway  
20 for the record we might say it will be for next Wednesday,  
21 but if we are not through with New Westminster we will  
22 finish New Westminster to start with, and then continue  
23 the present hearing here.

24 Now, before we move to Prince Rupert,  
25 all this question of a new pilot station at Prince Rupert  
26 is going to be dealt with there. Also a few submissions  
27 were brought, or were suggested to us, but there might be  
28 others also, and there might be also some facts that have  
29 to be brought out to show that these other solutions are  
30 not worth considering.





1 For instance, there could be a new  
2 District there. These waters north of latitude 50 could  
3 be free waters. There could be exemption to masters of  
4 certain vessels. There could be company pilots, for  
5 instance Kitimat, like in the St. Lawrence, Port Churchill,  
6 and so on. There might be also pilots stationed at  
7 other places.

8 Well, those are all possible cases,  
9 and we do not know. We will have to consider all those  
10 possibilities, so we would appreciate it very much if you  
11 could bring the facts, the statistics, and so on, showing  
12 the trends and the traffic and so on that could enable  
13 us to take a view of that, and of course in the arguments  
14 I expect you people to bring these things out.

15 MR. JACQUES: Also the effect that any  
16 of these solutions would have on pilots' earnings, work-  
17 load, and expenses to shipping, and if you can think of  
18 any other suggestions in the meantime, we would appreciate  
19 it.

20 THE CHAIRMAN: And also the effect on  
21 industry in general.

22 MR. JACQUES: Oh, the effect on freight  
23 rates if the costs of establishing a new District north  
24 of latitude 50 were so expensive.

25 MR. BIRD: With your lordship's and  
26 the other Commission members' leave, I have some rather  
27 pressing matters that must receive my attention at the  
28 office tomorrow, and I would ask to be excused from  
29 attending tomorrow. Mr. W.A. Sankey will be representing  
30 the Chamber of Shipping at that time.





THE CHAIRMAN: That is all right.

---Adjourned at 5:10 p.m. until 9:30 a.m. on Saturday,  
16 March, 1963.

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# ROYAL COMMISSION

ON

## PILOTAGE

HEARINGS

HELD AT

VANCOUVER

B. C.

VOLUME No.:

7 A

DATE:

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ROYAL COMMISSION ON MARINE PILOTAGE

Meeting held in the office  
of Captain F. N. Eddy, Regional  
Superintendent of British  
Columbia Pilots, for the purpose  
of explaining despatching of  
pilots in the British Columbia  
Coast District, on Friday,  
March 15th, 1963.

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COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

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Mr. Gilbert W. Nadeau	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

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Mr. Leopold Langlois, Q.C., for the Canadian  
Merchant Service Guild, Inc., and the  
British Columbia Coast Pilots.  
Mr. J.I. Bird, Q.C., for Vancouver Chamber  
of Shipping and Aluminum Company of  
Canada.







1 CAPT. EDDY: Well, in 1953 I was appointed  
2 Superintendent of Pilots, and in those days the northern  
3 area of the coast had not developed as much as it has now,  
4 and I could see potentially there was going to be a greater  
5 influx of shipping in the future. At that time the  
6 despatching was carried on from a small desk in the office.  
7 Realizing there was something would have to be done to  
8 take care of the great increase in shipping, two factors  
9 were taken into consideration. One was that we must know  
10 the position of every vessel on the Pacific coast, and,  
11 two, utilizing our manpower.

12 During the latter part of the war in Prince  
13 Rupert I was sending ships to the forward area and routing  
14 them, and from that I had found out that the Department  
15 had two huge plans, one of the British Columbia coast and,  
16 secondly, one of the whole northern Pacific area. I  
17 submitted that if we could use those plans and use the  
18 usual flag method it would help considerably; and after  
19 further thought it came to my mind if we could devise a  
20 magnetic plan, and my first idea was to have a magnetic  
21 backing, which proved too expensive. Then the idea of the  
22 magnetic studs occurred to me. The two charts were set  
23 up in the Naval Control Routing Office, and in those days  
24 we would send an ammunition ship to the outside area, just  
25 at the time when the allied forces were getting into the  
26 Philippines, and the masters would come to my office to  
27 be routed. The routing meant that they had to be taken  
28 through the northern Pacific area down through the Hawaiian  
29 Islands and down through the wartime territory which at  
30 that time was still held by the Japanese. The routing









1 required the ships should burn navigation lights at full  
2 brilliancy until they had cleared the coast and then put  
3 them out. I put a piece of cotton marked with the  
4 magnetic stud, marked the first position and then the  
5 second position, explaining to the master that he would  
6 distinguish his lights here, do not go near this island,  
7 and so on, and right through to the forward area.

8           This was the idea I adopted for the Pilotage  
9 District, and at the same time I proposed that we should  
10 centralize despatching. In other words, instead of the  
11 various offices despatching, I decided that all despatching  
12 should be done from this desk and each pilot should have  
13 a complete picture in front of his eyes and know his men,  
14 that they were not used indiscriminately.

15           The system has gone on very well. The green  
16 magnetic buttons are ships. We have them slit so that we  
17 can put the ship's name on it. Vancouver Harbour being  
18 too big, we had to have a special part on the plan, so  
19 a special sheet was made of Vancouver Harbour. Vessels  
20 inbound are shown there, vessels inbound to Cape Beale  
21 are shown here, vessels inbound to Triple Island are shown  
22 here. The Chief Despatcher finds out by various means  
23 what he can about the vessel, and from such information,  
24 all he can get from the Vancouver Merchant Exchange, from  
25 the different companies, he gets an idea when these ships  
26 are due, approximate size. This is the March list, and  
27 he has it up to April the 19th, April the 20th. From that  
28 he goes into his advance information book and local jobs,  
29 tentative, and also advanced northern jobs, and he keeps  
30 referring to this and checks it with the agents, and 24







1 hours before that ship is due at the boarding station,  
2 Victoria boarding station, a longer period in regard to  
3 Triple Island because we have farther to go -- 24 hours  
4 before that Victoria station has been kept completely in-  
5 formed of all changes, and Victoria will then send a  
6 requested E.T.A. to the ship. As soon as a ship comes  
7 back with a firm time it is entered here in red, and also  
8 with the via 5. From this it is kept here in this other  
9 book, until such time as it goes into the main log. We  
10 don't transfer a ship to this log immediately. If we put  
11 it in now for three days it might get lost. So we keep  
12 it in this book until such time as it should be entered  
13 into the proper log.

14 In regard to northern jobs, the advance informa-  
15 tion of northern jobs is in a different book because we  
16 have to take two or three factors into consideration. One  
17 thing is the transportation, and in that regard the  
18 transportation on the B.C. coast can be carried out by  
19 many, many methods. We have all the schedules here,  
20 airlines, coach lines, mainland connections for Vancouver,  
21 bus from Vancouver to Seattle. Then we have the ferries.  
22 Then we go to the trains, the Great Northern trains and  
23 the P.G.E., which we sometimes have to use to get a pilot  
24 to Prince George, Beaver Cove and Port McNeill. This is  
25 one of the chief pilot's problems; he has to use every  
26 form of transportation, taking into account deteriorating  
27 weather and the possibility of planes being grounded.  
28 When the vessel's E.T.A. is getting close the despatcher  
29 keeps a continuous watch on this side of his log which  
30 shows him all the particulars of the ship, the name,





1 nationality, the agents and everything else. Here we have  
2 the despatch time.

3           Now, my lord, you will see every ship has not  
4 the same despatch time, because a pilot gets two hours to  
5 despatch a ship in Vancouver harbour. We have to despatch  
6 in ample time to make that ship. The despatcher at all  
7 times keeps his eye on these despatch times, and then when  
8 she is despatched the time of despatch is filled in and  
9 that ship is finished. The pilots themselves are the  
10 brown buttons, and the number on them is the licence  
11 number. We know that number 59 is Captain Allen, and if  
12 we see number 59 we know that he is on this ship, and I  
13 come in here and I want to know what particular pilot is  
14 on a particular ship and I see number 84 and I go to this  
15 list and I know that it is Captain Stanley and I know he  
16 is attending that ship.

17           When the vessels are coming in, as soon as the  
18 pilot is despatched he is put alongside of that ship.  
19 The pilot is despatched to that ship, and shortly after  
20 I will get a teletype saying that the pilot is on the ship,  
21 and then she will move here if she is bound to Vancouver,  
22 and as the day goes on she will eventually come in and  
23 dock. As soon as she gets alongside the pilot will phone  
24 and say that that ship is in and the pilot returns to his  
25 base and is put in here. As soon as he reports in his  
26 name is entered into the reporting in book, the ship he  
27 reports off, the time he reported, where he reported from  
28 and the time he is going back on board. There is a  
29 certain allowance. A pilot coming back from all these  
30 different ports will take a certain length of time to get







1 home, and it wouldn't be fair that he has to go on board  
2 a ship when we think he should get home. For instance,  
3 for a certain port the pilot is given eight hours. He  
4 might get off at one o'clock in the morning, and at nine  
5 o'clock in the morning he goes back on board. Every pilot  
6 is treated the same and they have no complaint, and there  
7 is never a complaint here of discrimination. As soon as  
8 he is put in the book and his time of going on board, this  
9 man went on board at 8:15 this morning, his name was put  
10 back on the duty roster.

11 Now, the despatcher will keep watching this,  
12 and at 9:45 that pilot will go back on board. This is  
13 our board which we use. It is not a despatch roster, but  
14 the pilots are put down in order, and sometimes their  
15 leave interferes, and other things. But these men go on  
16 northern jobs. I found out once that several pilots in  
17 Nanaimo had never been north for a year or so. This is  
18 so that every man takes his turn and goes to the northern  
19 ports and keeps in touch with the northern area. That is  
20 the reason for this.

21 Now, it says here on this board: "Notify  
22 Victoria of all ships from Frisco as quarantine must check  
23 them." There was an infected rat found on a ship in San  
24 Fransico. Now, the quarantine service will check it.  
25 This is just a notice that the drill scow is off Port  
26 Moody, is still there.

27 Now, on this board these men are on turn, these  
28 men are working, these men are on leave, these men are on  
29 holidays, these men are on sick leave, and these three men  
30 are the three men being held off because of the Royal





1 Commission sitting.

2 That is the B.C. coast board. Now, B.C. means  
3 Victoria Station, No. 9; that is the ninth message this  
4 morning. We know that that man is coming back on the 0700  
5 ferry and he was off on the station 0545. So eight hours  
6 from there his name will be taken from here and back up  
7 here and he is back on the roster. There are six pilots  
8 got off at that time.

9 This is the daily disposition of all ships.  
10 This is teletyped to the Royal Canadian Navy who immediately  
11 send a messenger around and it is plotted accordingly.  
12 We started in about 1955 doing this, and since the Royal  
13 Canadian Navy has a complete list of all ships and their  
14 nationalities, and even those that are on route. So they  
15 use this and put it on their plot.

16 This is an E.T.A. We have BK, that is the radio  
17 station. She is the Antonios Coulouthros, expected time  
18 of arrival 1413. He is telling us that he is due at the  
19 boarding station at 1413 hours. That ring means it has  
20 been taken care of by this despatcher. Here they are  
21 telling us that this pilot will be getting off. This is  
22 the marine weather forecast.

23 MR. JACQUES: Before you go on, Captain, I  
24 would like to ask you a question. It seems that a lot of  
25 the information is supplied by the master of the vessel.

26 CAPT. EDDY: Expected time of arrival, yes.

27 MR. JACQUES: And the expected time of boarding  
28 off.

29 CAPT. EDDY: Yes.

30 MR. JACQUES: Are there any written instructions







1 given to the masters of vessels?

2 CAPT. EDDY: Not written instructions. It is  
3 merely included in the notice to mariners. Our request  
4 to masters for an E.T.A. assures us that we know exactly  
5 that a ship is there. This one here, the pilot will say to  
6 the master: "Will you send a message to the station saying  
7 I am off at 2310," and the master shoots that out. It is  
8 a small message; it costs about fifty cents. When he gets  
9 there the pilot's lunch is waiting. You can see that they  
10 come right through on the radio station to us. There is  
11 a message, with the name of the pilot, and the ship will  
12 be taken from the brotchie ledge list and sent to Vancouver,  
13 and as soon as he gets to Vancouver, then the ship, which  
14 is the Dinteldyk, is put at this particular place on the  
15 plot. On this list there is the time when they disembark  
16 at these various ports until they go back on.

17 Right now you will agree with me, Captain Gosse,  
18 it is working very satisfactorily.

19 CAPT. GOSSE: Yes.

20 CAPT. EDDY: That is a rough idea of the des-  
21 patching. There is a despatcher at this desk continuously  
22 24 hours a day. As you see, he has his logs before him at  
23 all times and he keeps referring backwards and forwards  
24 to them. He never goes more than 15 minutes without going  
25 through it all the time.

26 THE CHAIRMAN: As I see on this, what do you  
27 call this?

28 CAPT. EDDY: Actually it is instructions to the  
29 despatcher as to the number of hours to allow a pilot time  
30 to get back.







1 THE CHAIRMAN: So you have Vancouver pilot, eight  
2 hours, Nanaimo pilot, four hours.

3 CAPT. EDDY: A Nanaimo man gets only four hours  
4 because it is a shorter journey. The Vancouver man has  
5 to go to Nanaimo and get a ferry across. It is to give  
6 a fair estimate of the time to get home. In this way  
7 every pilot has the same allowance.

8 MR. JACQUES: I notice on your chart you have  
9 red stars, gold stars, silver stars. Would you explain  
10 those?

11 CAPT. EDDY: The red stars are the principle  
12 lights. During the war on the local chart, in addition to  
13 the control of all deep sea shipping, I had control of the  
14 coastal shipping, and some of the lights were out, and in  
15 that case I would put a black stud over the light and the  
16 pilots would glance at the chart and see that the light  
17 was out. Also it does give people an idea of the main  
18 lights in British Columbia. Some places are well lit,  
19 some are not lit at all. Every blue button you see is a  
20 port. There is Hatch Point and James Island. The silver  
21 stars are boarding stations, one, two and three, the three  
22 main boarding stations. Occasionally a ship sailing from  
23 Port Alice to sea, the pilot will board off her on a small  
24 ship if it is suitable. We don't like to force a ship  
25 to go to the boarding station here if we can possibly get  
26 him away. We do the same thing at Nootka; the pilot can  
27 generally take it to Nootka and take the ship to sea. We  
28 have a private launch, and the owner of it might look at  
29 the weather and say: "I am not going out," or "Yes, I  
30 will go out." If he takes it out, naturally the pilot will





1 get off there. But we cannot board off here. But going  
2 out is a different story. If he says: "I won't go out,"  
3 we can go to the boarding station and there is no delay.

4 MR. LANGLOIS: Would you say, Captain, that this  
5 would present a normal day, what you have on your chart?

6 CAPT. EDDY: No, it is a little slack. As a  
7 matter of fact, it is quite slack. We have all these ships  
8 coming in.

9 THE SECRETARY: Can you tell us the extent to  
10 which the boarding off procedure is used along the coast?  
11 How much is it used?

12 CAPT. EDDY: I can get that for you. We have  
13 a job getting these studs. I think it would cost far more  
14 to put them in. We need a few more studs. I am going to  
15 go up there and see what samples he has. We have to get  
16 them cut. If the worst comes to the worst, we can paint  
17 them green.

18 CAPT. SLOCOMBE: It is just a magnetized bar cut  
19 into small pieces.

20 CAPT. EDDY: Yes. I think the cost comes in  
21 putting in the slit for the little tag.

22 Those are the Vancouver anchorages, and if a  
23 ship is sent to anchorage it is put in there. The  
24 explosive plant is at James Island down here. That is a  
25 C-I-L explosive plant, and any explosives are handled from  
26 there.

27 CAPT. SLOCOMBE: Is it near Sidney?

28 CAPT. EDDY: Yes. There is Sidney and there is  
29 James Island there, that blue spot. The whole island  
30 belongs to C-I-L.







1 CAPT. SLOCOMBE: How many miles is that from  
2 Sidney?

3 CAPT. EDDY: Oh, about ten miles.

4 MR. JACQUES: What is the number of times of  
5 using the boarding off system since it was set up in  
6 October?

7 CAPT. EDDY: 21 times we boarded off.

8 MR. JACQUES: In the months of October, November  
9 and December?

10 CAPT. EDDY: Yes. Twelve times there, nineteen  
11 times there and 103 times we used Triple Island. Port  
12 Tahsis we have no record because there is no charge there.  
13 The lumber company use their own launch. The launch is  
14 sent out by the mill, and there is no bill submitted at  
15 all. I don't know who pays them.

16 MR. LANGLOIS: Captain Eddy, you mentioned  
17 Triple Island.

18 CAPT. EDDY: That is in and out.

19 MR. LANGLOIS: This is a boarding station.

20 CAPT. EDDY: Yes.

21 MR. LANGLOIS: The question was when the boarding  
22 off stations were used.

23 CAPT. EDDY: Twelve and nineteen. If they bill  
24 they can bill directly to the ship. We could do it, but  
25 it would be a monumental job. It would mean having to go  
26 through 8,000 source cards.

27 MR. LANGLOIS: At whose request was this boarding  
28 off system instituted?

29 CAPT. EDDY: I think it was rather mutual, I  
30 would say.





1 CAPT. GOSSE: The main thing was to have a launch  
2 to get off in.

3 CAPT. EDDY: It was pointed out if a passenger  
4 vessel was demanded in these boarding off places it would  
5 be impossible. This man does us a favour in a way, and  
6 he is not going to go to the trouble of putting his vessel  
7 under a passenger licence. Well, they said that the pilots  
8 had the privilege of getting off there provided they were  
9 satisfied with the seaworthiness of the vessel.

10 THE CHAIRMAN: To follow up a question by Mr.  
11 Langlois a few minutes ago, I just glanced through the  
12 map. I found there are 42 ships berthed down south of  
13 latitude 50 and 2 north of latitude 50, 17 ships inbound  
14 from here, and three from Triple Island.

15 CAPT. EDDY: Yes.

16 THE CHAIRMAN: One at Cape Beale.

17 CAPT. EDDY: Yes.

18 THE CHAIRMAN: And you have vessels en route?

19 CAPT. EDDY: Five en route.

20 COMMISSIONER SMITH: Captain, this has nothing  
21 to do with your business or ours, but I have been interested  
22 to know whether the National Harbour Board still has an  
23 impost on cargoes coming into the harbour?

24 MR. SANKEY: They still have it, yes.

25 CAPT. EDDY: Another thing, if a pilot is told  
26 to bring a ship into C.P.R. B2, that is a wharf, then we  
27 can tell him, the despatcher can see it, and that might  
28 make a difference in the pilot's ordering the tugs; he  
29 might need an additional tug. We had a ship at Lapointe  
30 No. 5, which is the outside berth of the Lapointe pier.







1 The total length of Lapointe 4 and 5 is 1,200 feet. One  
2 ship alongside was 609 feet long and the other ship coming  
3 in to the inside berth, the pilot knew there was a ship  
4 at No. 5 when he was taking that ship into No. 4. His  
5 ship was 675 feet long, but what he didn't realize was  
6 that they hadn't left him much room for a bridge-aft ship.  
7 If he had known that he would probably have ordered another  
8 tug, but when he started to move his ship in from this  
9 bridge, which was 500 feet at least from the bow, and he  
10 discovered that the amount of space left him was so small  
11 that he had to take the Ensign staff down to clear it.  
12 The Ensign staff is right at the stern of the ship and  
13 generally hangs over the counter.

14 MR. SANKEY: If there had been time he could  
15 have whistled for another tug.

16 CAPT. EDDY: Yes. If he had whistled or yelled  
17 for another tug, the tow company is very good and he would  
18 have got it.

19 We have five walkie-talkies. They are used by  
20 the pilots often in docking. They are kept by the tugboat  
21 company because it is easier for them to keep them, and  
22 they can talk to their tugs and give directions. This  
23 does away with the waiting, and sometimes leads to con-  
24 fusion, a little confusion.

25 COMMISSIONER RENWICK: Does the tugboat company  
26 have a monopoly of this work?

27 CAPT. EDDY: No, there is another tugboat company.  
28 They are just small, highly powered tugs, highly  
29 manoeuvrable. If the pilot wants them aft they don't  
30 pull down there, they just seem to slide down the ship like







1 that. I don't know how they do it. The tugs don't use  
2 the siren.

3 MR. LANGLOIS: Are all the tugs equipped with  
4 radio-telephone sets?

5 CAPT. EDDY: Yes. They have VHF. They have two  
6 or three frequencies. The pilots' frequency is 156.55,  
7 and they are converting to 156.55. It is completed now.

8 MR. LANGLOIS: Don't you get interference as the  
9 tug gets close to a steel hull?

10 CAPT. EDDY: Yes, a little bit. But we find it  
11 works very well. I was on the bridge when the Argyle was  
12 brought in, and she is 790 feet long and she has got to  
13 go through the Second Narrows Bridge and then immediately  
14 do a 70 degree turn. There are only a few feet on either  
15 side, and she has got to be pushed in bodily. With a ship  
16 of that size you have a terrific displacement and that  
17 water has to get out, and you have to get her in quickly  
18 before the tide changes, because as soon as the tide changes  
19 it runs over the flats and you would be pushed onto the  
20 flats very quickly. It was the first big ship we brought  
21 in, and it was handled beautifully. You can use their  
22 expression -- "Tell that damn tug to give her all she has  
23 got."

24 These walkie-talkies are heavy. Pilots are  
25 going all over the place, so they should have their walkie-  
26 talkies with them. So the only thing would be something  
27 for the future, having a small one, and it will be an  
28 improvement; he can talk to other ships approaching in fog,  
29 and it would be a tremendous advance in navigation.

30 MR. LANGLOIS: Are most of the ships equipped





1 with radar systems?

2 CAPT. EDDY: Some are.

3 CAPT. SLOCOMBE: I may say that I tested one of  
4 these with the signal station at the bridge. We arrived  
5 at something like two o'clock in the morning, we couldn't  
6 get a taxi, and I walked up with this thing on my shoulder  
7 and I had a deep red mark on my flesh the next day. It is  
8 too heavy to carry.

9 THE SECRETARY: Captain Eddy, before we leave,  
10 may I express the thanks of the Commission for the very  
11 interesting description you have just given of your  
12 despatching procedures.

13 CAPT. EDDY: May I bring to the attention of  
14 the Commission a letter received from the office of The  
15 Flag Officer, Pacific Coast, dated 22nd December, 1961,  
16 which reads:

17 "Dear Captain Eddy,

18 "On the eve of another year I wish to  
19 "extend to you and your staff my sincerest  
20 "appreciation for the co-operation and assistance  
21 "received in merchant ship reporting during  
22 "1961.

23 "The Control and Protection of Shipping  
24 "is an ever-increasing commitment in this  
25 "Command, and the co-operation of the British  
26 "Columbia Pilotage Authority is the essence of  
27 "peace-time reporting and is invaluable in  
28 "planning for wartime control.

29 "Again, my sincere thanks and best wishes.  
30 (Signed) Your sincerely,  
E. W. Finch-Noyes,  
Rear Admiral."





# ROYAL COMMISSION

ON

## PILOTAGE

HEARINGS

HELD AT

VANCOUVER

B. C.

VOLUME No.:

8

DATE:

MARCH 16 1963

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
in the Federal Building,  
Vancouver, British Columbia, on  
Saturday, the 16th day of March,  
1963

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member
Mr. Gilbert W. Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

Mr. Leopold Langlois, Q.C., for the Canadian  
Merchant Service Guild, Inc.

Mr. J. I. Bird, Q.C., for Vancouver Chamber  
of Shipping and Aluminum Company of Canada.

ALSO PRESENT:

Capt. F. S. Slocombe, Department of Transport  
and liaison Officer.

Capt. J. S. Scott, Technical Advisor to  
Commission.





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KEITH C. MIDDLETON

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1  
2 --- Upon resuming at 9.30 a.m.

3  
4 THE CHAIRMAN: Just before we start I wish to  
5 give a word of appreciation for the harbour tour we had  
6 yesterday through the courtesy of the National Harbour  
7 Board and the Northland Navigation Company with the  
8 assistance of the Harbour Master, Captain Dobie, and also  
9 with the courtesy of the B.C. Pilots and Captain Gosse.

10 It was a most pleasant and intelligible trip,  
11 and also it was quite instructive. By seeing, we learned  
12 much more than by a thousand words of testimony, and you  
13 may be sure that yesterday what we saw of the Vancouver  
14 Harbour quite impressed me, not perhaps quite so much with  
15 Mr. Smith, who has had the privilege before of staying  
16 here for quite some time, nor Mr. Renwick, who has the  
17 great privilege of living here, but we learned quite a  
18 lot yesterday about your Province, and also about your  
19 beautify natural harbour.

20 We thank you very much.

21 MR. BIRD: My lord, may I on behalf of the  
22 Chamber and the others represented here thank you for your  
23 kind remarks. They are most appreciated.

24 I would just like to make a very short state-  
25 ment with regard to an unfortunate press release yester-  
26 day relating to what was said about certain statements  
27 made by Mr. Middleton while he was being cross-examined  
28 in connection with the possibility that the Master of the  
29 ship Granville might be discharged when he returned to  
30 Norway. I have not read the record, but I feel reasonably





1 confident that the phraseology used by Mr. Middleton was  
2 not that which appeared in the press. Certainly the  
3 Master's name was not mentioned, and I think it was a most  
4 unfortunate thing that it did occur, because of the dis-  
5 tress that it might cause to the Master and/or the owners  
6 if they should happen to hear about it.

7 When Mr. Middleton resumes the stand I should  
8 like to ask him to make such comments as he considers  
9 necessary in light of the press release, and to clarify  
10 any matter that may have been misunderstood by the press.

11 MR. LANGLOIS: In this respect, my lord, I wish  
12 to add that the name of the captain was mentioned in the  
13 press release. It was given as Captain E. T. Anderson.

14 THE CHAIRMAN: But it was not given in testimony  
15 here?

16 MR. LANGLOIS: I don't think it was given by  
17 Mr. Middleton, so this was adding to the evidence which  
18 was given by the witness, and I am in full agreement with  
19 my learned friend here. I don't think that Mr. Middleton  
20 said that the captain had been fired. He said he was  
21 likely to be fired.

22 THE CHAIRMAN: What I gathered is that in cases  
23 like that, whether the master is responsible for the  
24 accident or not, it is a bad record for which the master  
25 may be fired, and I think Mr. Middleton said it in order  
26 to help the master, that he would like to have access to  
27 the inquiry being made in order to help him with his  
28 company, and he gave that as an example of what might  
29 happen if the policy in general use is followed.

30 MR. LANGLOIS: I understand in this case, as







1 it is customary for a Norwegian vessel, the Norwegian  
2 Consul made his own inquiry here aboard the vessel, and  
3 reported to his principles in Norway. I have had a few  
4 cases involving Norwegian captains, and they have in  
5 Norway what they call the Commercial Court, which inquires  
6 into all these accidents and casualties involving Norwegian  
7 ships. It would be up to that body in Norway to recommend  
8 whatever it thinks regarding the licence and certificate  
9 of this master. On the other hand, I am also informed  
10 that this captain, far from being fired, is on his way  
11 back now on this ship to a Canadian port.

12 MR. JACQUES: On that subject, my lord, I am  
13 advised that on that particular inquiry that was held in  
14 Vancouver in front of the officials of the Department of  
15 Transport, the Norwegian Counsul was present, and also  
16 owner's counsel was present at this inquiry.

17 THE CHAIRMAN: I think that has clarified the  
18 situation very well for the record, and for everybody.

19 MR. BIRD: That is fine. Thank you my lord.

20 MR. JACQUES: I would like to file with  
21 Exhibit 117, which is the Annual Statistical Report for  
22 1962 from the Vancouver Merchants' Exchange, the 1959  
23 report. The reason why we have skipped the intervening  
24 years is quite simple. For one thing, there are no  
25 spare copies, and also, these statistics are comparative.  
26 The 1959 report starts with the figures for 1956 through  
27 to 1959, and the 1962 report has figures from 1959 to  
28 1962. Therefore these two reports would give us statis-  
29 tics from 1956 to 1962.

30 I have also been supplied by Mr. Sankey with





1 examples of the monthly statistical reports, and also a  
2 monthly sheet giving the names of vessels, agents,  
3 arrivals, and also the data on loading, what sort of  
4 cargo they are taking, and where it is bound. I have no  
5 intention of filing this information at the moment, but  
6 should the Commission find it useful, Mr. Sankey has  
7 kindly offered that his file should be lent to the  
8 Committee and the relevant information obtained from his  
9 file, which would be returned to him afterwards.

10 MR. BIRD: My Lord, with your Lordship's leave  
11 and the Commission's leave, before Mr. Middleton resumes  
12 the stand, I came into possession of other information  
13 yesterday from Mr. D. C. Brodie, who is manager of  
14 C. Gardner Johnson here, agents for the Japanese line  
15 OSK, whose vessel "Harriet Maru", is engaged in the  
16 shuttle service carrying ore from Jedway to Japan.

17 In discussing it with counsel we decided it  
18 might be useful to the Commission to have this informa-  
19 tion, and there is also information which relates as to  
20 whether the owners wish to have a pilot or not.

21 I would like to call Mr. Brodie at this time,  
22 because his evidence will be quite short.

23  
24  
25  
26  
27  
28  
29  
30





1  
2 D. C. BRODIE, SWORN

3  
4 DIRECT EXAMINATION BY MR. BIRD:

5  
6 Q. Now, Mr. Brodie, you are D.C. Brodie,  
7 and you are manager of the C. Gardner Johnson Limited of  
8 this City?

9 A. Yes, sir.

10 Q. They are steamship agents, and amongst  
11 one of the owners whom you represent here is the Japanese  
12 line, OSK. What does OSK stand for?

13 A. Osaka Shosen Kaisha, Tokio.

14 Q. Now, I am showing you a memorandum relat-  
15 ing to the vessel "Harriet Maru". Was that vessel  
16 specially named "Harriet" because she is taking cargo out  
17 of Harriet Bay?

18 A. Yes, sir, it was. She was specially built  
19 for this particular trade, under a contract to run for  
20 five years to and fro.

21 Q. Are there other vessels also taking bulk  
22 ore from Harriet Bay in addition to the "Harriet Maru"?

23 A. Very occasionally there is a substitute  
24 vessel.

25 Q. Would you just give the tonnage particu-  
26 lars of the "Harriet Maru"?

27 A. The ship is of 27,700 tons dead weight.  
28 Her gross tonnage is 17,254 tons, and her net tonnage  
29 is 5,161 tons.

30 Q. Now, how often does that vessel call at







1 Harriet Bay?

2 A. Every four weeks.

3 Q. Have you prepared a memorandum giving these  
4 details, and describing the route which she follows?

5 A. Yes, sir, I have.

6 Q. Just tell us what the route is?

7 A. This ship is in continuous service between  
8 Harriet Harbour, which is at the south-east tip of the  
9 Queen Charlotte Islands and Wakayama in Japan.

10 Q. Is that South Island or North Island?

11 A. I am sorry, I don't know. The ship comes  
12 from Japan in ballast, after discharging at Wakayama, and  
13 under normal circumstances picks up a pilot at Triple  
14 Island, which is twenty-eight miles to the west of Prince  
15 Rupert. She goes to Prince Rupert Harbour where she  
16 anchors for two or three hours, in order to fulfil customs,  
17 immigration and quarantine formalities.

18 The pilot remains on board and proceeds with  
19 the ship from Prince Rupert to Harriet Harbour.

20 Q. Yes, and what happens on the return voyage?

21 A. The ship is normally in Harriet Harbour  
22 for perhaps forty-eight hours. The pilot remains there,  
23 and brings the ship back in the reverse direction on  
24 exactly the same route, Harriet Harbour, Prince Rupert,  
25 where the ship clears customs and also gets certified  
26 by the Port Warden as to the sea-worthiness of the ship  
27 in her loaded state. Then she goes from Prince Rupert  
28 back to Triple Island in order to drop the pilot, and  
29 then proceeds to Wakayama.

30 MR. BIRD: Thank you.





1 My lord, I would like to file for reference  
2 a copy of the memorandum from which Mr. Brodie has been  
3 giving this information, and in addition thereto, I think  
4 it may be of interest to the Board to see this pamphlet  
5 prepared by Jedway Iron Ore Limited, which operates the  
6 mine. It shows pictures of all the loading operations  
7 and the berth and the buoys where the vessel anchors.

8  
9 --- Exhibit No. 118: Memorandum re vessel  
10 "Harriet Maru", together  
11 with pamphlet prepared by  
12 Jedway Iron Ore Limited.

13 Q. Mr. Brodie, have you made inquiries from  
14 the owners of the ship, and through them the master of  
15 the vessel, as to whether or not these owners and the  
16 master wish to have a pilot take the vessel to Harriet  
17 Bay and away from there?

18 A. Yes, I have.

19 Q. What was the result of that inquiry?

20 A. It is perhaps described best by my reading  
21 an exchange of cables during the last few days with the  
22 owners and with the master of the ship, which is at  
23 present en route from Japan to Prince Rupert.

24 Q. Yes, you might just give the date of the  
25 cable, to whom it was sent, and the reply?

26 A. On March 14th C. Gardner Johnson, the  
27 agents of the ship, wired to Shosen, Tokio, which is the  
28 cable address of the Osaka Shosen Kaisha line, as follows:  
29 "If no pilotage fees payable unless pilot used, would you  
30 discontinue taking B.C. pilot for Harriet Maru either







1 entirely or partly. If so will make representations to  
2 Royal Canadian Commission on Pilotage now visiting  
3 Vancouver. Reply quickly direct. Gardner".

4 I will explain the last two words. They have  
5 a habit in Tokio of sending their messages to us through  
6 the Los Angeles representative of the line by Telex,  
7 which is cheaper, but also takes much longer, and I wanted  
8 this answer quickly.

9 To that I received a reply dated Tokio, March  
10 15th.

11 Q. This is 1963 of course?

12 A. 1963. Addressed to Gardner, which is our  
13 telegraphic address here, and signed Shosen, as follows:  
14 "Harriet Maru Pilot. Captain will telegraph". I then  
15 received a radio message signed by the Master of the  
16 Harriet Maru dated March 15th: "E.T.A. morning 20th.  
17 No need pilot".

18 Q. That was all there was to that message?

19 A. Yes.

20 Q. Is that all the information you have  
21 received to date with respect to your inquiries?

22 A. Yes.

23 Q. What is the largest item of cost with  
24 respect to the pilotage dues you pay so far as this move-  
25 ment is concerned?

26 A. The largest item is for the various items  
27 of compulsory payments, tonnage, draughts, or mileage  
28 charges, which total about \$800.00 a round trip.

29 Q. Yes, but what I was getting at is, can you  
30 separate the basic charges of tonnage, draught and mileage





1 from detention and travel expenses?

2 A. Yes, I can. They amount to \$800.00 about.

3 Q. What do?

4 A. The charges for tonnage, draught and mileage.

5 Q. And what about detention and expenses?

6 A. Both charges, expenses, and detention  
7 amount to about \$300.00.

8 Q. Well, of course, the boat charges have  
9 nothing to do with the pilot. What do they amount to?

10 A. \$120.00. \$60.00 for the pilot getting  
11 to Triple Island in-bound and \$60.00 for the pilot getting  
12 back from Triple Island out-bound.

13 Q. During the course of this movement has the  
14 same master been in command of the ship?

15 A. Yes, he is. I should have said perhaps  
16 but didn't, that this service started in October of 1962.

17 Q. And what is the length of the contract  
18 for the transportation of the concentrate?

19 A. Five years.

20 MR. BIRD: Thank you, Mr. Brodie.

21  
22 CROSS-EXAMINATION BY MR. LANGLOIS:

23  
24 Q. Mr. Brodie, you mentioned that sometimes  
25 other ships were substituted for the "Harriet Maru". How  
26 often does that happen?

27 A. So far it has happened once.

28 Q. Would you be asking for the exemption  
29 of pilotage then for the substitute ship also?

30 A. The substitute ship was not ours, and we





1 had nothing to do with it, so I can't speak for it.

2 Q. But very likely he will require a pilot.

3 Isn't that a fact?

4 A. Very likely he would.

5 Q. Now, you gave the total cost of pilotage,  
6 including pilotage dues, detention, boat charges, and so  
7 forth, and the breakdown of this figure is that \$800.00 is  
8 strictly for pilotage dues, and \$300.00 cover both charges,  
9 detention, and possibly travelling time of the pilot?

10 A. Yes, sir.

11 Q. Would you explain to the Commission how  
12 is it that since your principals claim that they can do  
13 without a pilot, why they are taking one today, instead  
14 of saving at least \$300.00 each trip by paying merely  
15 pilotage dues, and not taking a pilot? Would you explain  
16 that to the Commission?

17 A. On the trip now current the Captain is  
18 evidently not taking a pilot.

19 Q. On this trip?

20 A. I would understand so.

21 Q. Has he done that before?

22 A. No.

23 Q. Am I to understand that the reply that you  
24 got through the master applies only to this trip and not  
25 as a general policy?

26 A. That I have asked him to clarify.

27 Q. Has he clarified that?

28 A. Not yet.

29 Q. If he does, would you give us what this  
30 clarification is?







1 A. Yes.

2 Q. Now, who owns this "Harriet Maru"?

3 A. Osaka Shosen Kaisha.

4 Q. Who owns the mine at Harriet Harbour?

5 A. Jedway Mines Limited.

6 Q. Are these two companies not closely

7 affiliated?

8 A. Not to my knowledge, sir.

9 Q. You mentioned that this ship would have to  
10 go to Prince Rupert for clearance or entry, is that a  
11 fact?

12 A. Yes.

13 Q. Is he going to dispense with a pilot at  
14 Prince Rupert?

15 A. I would suppose that he expects to dispense  
16 with a pilot altogether for the entire trip.

17 Q. That is a supposition? You are not sure  
18 of that?

19 A. No.

20 Q. Can you tell the Commission as to whether  
21 or not that ship takes a pilot in Japanese waters?

22 A. No, sir, I can't.

23 Q. Could you get this information?

24 A. Yes.

25 Q. Is it not a fact, sir, that if a master  
26 does not take a pilot he is paid part of the pilotage dues  
27 which the company would have paid if a pilot had been  
28 taken?

29 A. I have never heard of any such suggestion.

30 Q. Would you also mind checking, and providing





1 the Commission with this information?

2 A. Yes, I will ask.

3 MR. LANGLOIS: That is all, thank you.

4  
5 CROSS-EXAMINATION BY MR. JACQUES:

6  
7 Q. Sir, have you been to Harriet Sound?

8 A. Yes, I have.

9 Q. This pamphlet filed as Exhibit 118 contains  
10 photographs, and also charts. The pages are not numbered,  
11 but on the fourth page you will see a photograph which  
12 appears to be a dock. Would that be the actual dock?

13 A. That is the dock at which the ship berths,  
14 yes.

15 Q. Now, further on, on the sixth page,  
16 Figure 1, we see a diagram of what would be the harbour.  
17 To your knowledge is that exact?

18 A. Yes, I would judge so.

19 Q. Now, on the 8th page there is an overall  
20 site plan of Harriet Harbour shown. Would that be the  
21 actual situation?

22 A. Yes, it would.

23 Q. Now, on the sixteenth page I see a dock  
24 general arrangement location map. Could you tell me  
25 whether this is the actual set-up, or the set-up that  
26 you have seen at Harriet Harbour?

27 A. Yes, it is the set-up I have seen under  
28 working conditions.

29 Q. Now, sir, do I understand you correctly,  
30 would the position be that your principals would like to







1 see an exemption granted to a particular master, and not  
2 to a particular ship, for exemption from pilotage?

3 A. Without asking my principals that question  
4 I would say what they would like is freedom from taking  
5 a pilot if they felt that the master was qualified to do  
6 so.

7 MR. BIRD: I was not sure when you were giving  
8 the breakdown of your total pilotage costs whether you  
9 had included travelling expenses. Were they included?

10 THE WITNESS: Yes, sir, I have. I have included  
11 for the Commission copies of both the telegrams, and the  
12 breakdown of the pilot charges, if that would be useful.  
13 I assume the Commission already has the appropriate  
14 chart which would show the voyage involved.

15 MR. JACQUES: My lord, I should like to file  
16 Chart No. 3844, Queen Charlotte Islands, showing the  
17 trip involved in a ship going to Harriet Harbour.

18  
19 --- Exhibit No. 119: Canadian Hydrographic  
20 Chart No. 3844, Queen  
21 Charlotte Islands,  
22 showing trip of ship  
23 going to Harriet Harbour.

24  
25 RE-DIRECT EXAMINATION BY MR. BIRD:

26 Q. Mr. Brodie, you have prepared copies of  
27 telegrams exchanged between yourself and the owners of  
28 the Harriet Maru to which is attached a breakdown of the  
29 pilotage charges to Triple Island and Prince Rupert and  
30 return, from Harriet Harbour?

A. Yes.





1 MR. BIRD: I would like this to be marked, my  
2 lord. They are all clipped together.

3  
4 --- Exhibit No. 120: Copies of telegrams between  
5 Mr. Brodie and owners of the  
6 Harriet Maru, with attached  
7 breakdown of pilotage charges  
8 to Triple Island and Prince  
9 Rupert from Harriet Harbour.

10 RE-CROSS-EXAMINATION BY MR. JACQUES:

11 Q. Sir, you mentioned that this particular  
12 company had a five-year contract to take ore out of  
13 Harriet Harbour. Do you know whether the frequency of  
14 shipments is liable to increase in the future?

15 A. I would say it is not on account of the  
16 difficulties in preparing sufficient cargo.

17 Q. So could we say that for the next five  
18 years you would have one ship plying in there only?

19 A. Likely, yes.

20 RE-CROSS-EXAMINATION BY MR. LANGLOIS:

21  
22 Q. Mr. Brodie, is it not a fact that when this  
23 ore company built a wharf at Harriet Harbour they sought  
24 advice from a Canadian pilot as to the location of the  
25 wharf and aids to navigation?

26 A. I believe so.

27 Q. Was not this pilot Captain Coles?

28 A. I believe so.

29 Q. When is that ship expected?  
30





1 A. She is due at Prince Rupert on the morning  
2 of the 20th, which I think is Wednesday.

3 Q. Would it be possible to obtain from the  
4 captain a certified copy of the message he received from  
5 his owners and to which he replied?

6 A. I will arrange it.

7 Q. Just one further question, Mr. Brodie.  
8 Do you know if the master of the Harriet Maru is provided  
9 with notice to mariners and notice to shipping?

10 A. Yes, he is. We regularly send them to  
11 Tokio as soon as they are received for that particular  
12 purpose.

13 Q. And do you know if they are broadcast,  
14 sent to the ship at sea when she is on her way to Canada?

15 A. I do not know that.

16 MR. BIRD: Thank you very much, Mr. Brodie.

17 Mr. Middleton, would you resume the stand,  
18 please.

19 -----

20  
21 KEITH C. MIDDLETON, previously sworn

22  
23 THE SECRETARY: You are still under the same  
24 oath, Mr. Middleton.

25 THE WITNESS: Yes, sir.

26

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RE-DIRECT EXAMINATION BY MR. BIRD:

Q. Mr. Middleton, yesterday Mr. Langlois asked you to obtain such information as you could showing the percentage increase in longshoremen's wages during the past five years and similar information with respect to the increase in tugboat charges. Have you obtained that information?

A. Yes. Mr. Langlois asked for this the day before and I got this yesterday.

Q. Deal first with the longshoremen's rates, would you.

A. I was asked to go back for five years, but to get a break off point I went back to May 1st, 1957, at which time the base rate was \$2.57. On September 22nd, 1958, the base rate went to \$2.64; on May 1st, 1959, it went to \$2.71; on November 1st, 1959, it went to \$2.78; on August 1st, 1960, the minimum call-out period was extended from two hours to four hours, and on May 1st, 1961, the base rate went to \$2.94. Now, the rate increases, curiously, were practically fifteen per cent, which was exactly what I guessed.

There was also the call-out period, which we can't put a value on very well; it is hard to know what it is, and the tugboat charges.

The other information I was asked to secure was increase in towboat charges. This was requested for the previous five years, but it didn't break down very well that way, so I start with March 1st, 1956, at which time





1 the Cates Company brought into effect a fifteen per cent  
2 increase. This meant that as of March 1st, 1956, their  
3 standard tugs were \$55.00, their powerful tugs \$115.00,  
4 and their line boats \$17.00.

5 Q. For what?

6 A. For ship movement. This was the cost per  
7 boat. Their stand-by time, in other words, charged to the  
8 ship after a two-hour delay, is \$21.00 for the tugs and  
9 \$6.00 for the line boats.

10 Now, the next increase went into effect on  
11 March 16th, 1959, and this was a ten per cent increase,  
12 bringing the rates for standard tugs to \$60.00, for the  
13 powerful tugs \$125.00, and for the line boats \$19.00;  
14 and the stand-by charges were also raised to \$25.00 for  
15 the tugs and \$10.00 for the line boats.

16 Now, as Captain John Cates explained to me, we  
17 call this a ten per cent increase. It isn't actually  
18 that, but we rounded off the figures to get rid of the  
19 cents.

20 MR. BIRD: These figures, my lord, have been  
21 corrected in the statements and I would ask that they be  
22 marked.

23  
24 --- Exhibit No. 121: Statements showing increases  
25 in the towboat charges,  
26 increases in longshoremen's  
wages.

27  
28 MR. BIRD: Thank you, my lord.

29

30







1

2 RE-CROSSEXAMINATION BY MR. LANGLOIS:

3

4 Q. Mr. Middleton, dealing with these rates  
5 that you have just given the Commission, when you used the  
6 expression or the term "base rates" did you include  
7 fringe benefits such as holidays paid to stevedores,  
8 sickness and other benefits?

9 A. No, I did not put those in because there  
10 has been relatively little change in those items. I did  
11 try to pick out the big item for the change in the call-  
12 out period.

13 Q. Could you give the Commission a lump sum  
14 representing these additional benefits that you have to  
15 pay for?

16 A. It is very difficult to evaluate. We put  
17 a cent or two into this fund and two or three cents into  
18 another fund, but in the aggregate they are not very large.

19 Q. Could you give an approximation of what  
20 they represent in dollars and cents per hour?

21 A. I would guess that the total might come  
22 to somewhere in the neighbourhood of twenty to twenty-five  
23 cents an hour, but most of that isn't in the period for  
24 which I have given you the figures.

25 Q. Now, in your evidence, Mr. Middleton, you  
26 made mention of the supercargos carried on your ship.  
27 Would you describe for the enlightenment of the Commission  
28 what a supercargo is?

29 A. Well, the definition of a supercargo as  
30 we use it locally I don't think will be the definition





1 you find in a dictionary. This term goes back to the  
2 sailing ship days when a vessel's owner usually sent out  
3 on his vessel what he called a supercargo to look after  
4 the business of that vessel, bearing in mind that in those  
5 olden days the ship owner was not only operating his ship  
6 but probably buying and selling his cargos also. As I  
7 understand it, this was, historically, the meaning of a  
8 supercargo.

9 As we use the term locally, it refers to an  
10 individual who acts as liaison officer between the office  
11 of the company and the ship. In other words, he orders  
12 the stevedore gangs, he tries to line the cargo up in the  
13 order in which it is to be put aboard, making certain  
14 that the railroad cargos are in, that the scows are  
15 alongside, and he also usually prepares the storage  
16 chart. This is the way we utilize the man's services  
17 today.

18 Q. Isn't it a fact that one of his functions  
19 is to acquaint the master of a foreign ship about local  
20 conditions and usages of the port?

21 A. He would be expected to know those. Yes,  
22 he would be expected to answer most of the questions that  
23 a ship's officer might ask him about the port.

24 Q. Your supercargos are dispatched from  
25 Vancouver Harbour, I understand?

26 A. Yes.

27 Q. And they follow the ship on whatever  
28 course she is going to go?

29 A. Yes.

30 Q. Have you ever thought of stationing a





1 supercargo up in the northern section as you are asking  
2 the pilots to do?

3 A. We haven't actually done that. I don't  
4 know of any reason we can't. We have different super-  
5 cargos in Seattle and Vancouver, on the same ship.

6 Q. You are not asking the supercargo in the  
7 southern section to subsidize the supercargo you have in  
8 the northern section?

9 A. No. The supercargo stays with the vessel,  
10 he stays with the vessel wherever she may be. On one of  
11 those F.O.B. charters he will stay with the ship until  
12 she finishes.

13 Q. Is it not a fact that you are using the  
14 term "supercargo" here for something else than supercargo?  
15 Is it not a fact that the supercargo is supposed to stay  
16 with the ship? In your case you are sending the super-  
17 cargo by air and you bring him back also by air to his  
18 base here in Vancouver after he is through with the ship?

19 A. If the ship's initial port of call is an  
20 outport, yes, we would send the supercargo out by air,  
21 and if she finally sailed from a supercargo port we would  
22 have to send him back by air.

23 Q. Don't they stay on shore?

24 A. Sometimes they stay on board a ship,  
25 sometimes they stay on shore. I think on our ship they  
26 stay on board, but that is just a personal thing.

27 Q. Is it not a fact that they most often stay  
28 on shore?

29 A. I couldn't tell you that. I can only tell  
30 you about our operation. I may say that we do both.







1 Q. Who pays the expense of supercargos?

2 A. They are charged back against the ship.

3 Q. Just the same as pilotage dues are?

4 A. Exactly.

5 Q. Now, you filed Exhibit 111 for the good  
6 ship Harparalagus. Would you tell the Commission how much  
7 cargo that ship carried on that trip?

8 A. I could tell you the exact figure by  
9 reference to the files in the office, but I will hazard  
10 a guess. She carried in the neighbourhood of, oh, five  
11 and a half million feet, probably.

12 Q. Five million feet. How many ports did she  
13 go to?

14 A. As I remember on that bill ----

15 Q. Do you want to refresh your memory by  
16 reference to the bill?

17 A. She went to New Westminster twice and I  
18 think she went to Vancouver twice, plus Victoria. I can't  
19 remember, sir.

20 Q. Is it not a fact that in your case there  
21 was no detention or no covering time for the pilots?

22 A. I don't believe there is, but I would have  
23 to look at the bills to tell you.

24 MR. LANGLOIS: There is another example, my  
25 lord, of having the pilot's source form in order to under-  
26 stand exactly what the position is. I hope my learned  
27 friend will make arrangements to have the pilot's source  
28 form for each of these bills.

29 MR. JACQUES: Yes, when people are finished  
30 putting before the Commission various bills, we will





1 gather them together and certify them and photocopy them  
2 for the Commission.

3 Q. Is it not a fact that a large number of the  
4 ships using your Pacific coast ports are foreign ships,  
5 quite renowned as employers of cheap labour?

6 A. No, I can't go along with that. I don't  
7 think the British ship owners are employers of cheap  
8 labour, nor the Norwegian ships, and the United States  
9 are not, the Swedish ships are not, the Greek are not;  
10 they have a reputation for good pay.

11 Q. Do you say that Liberian ships are using  
12 high-paid labour?

13 A. Well, you can't say that, because the  
14 Liberian ships may be owned by any nationality. But the  
15 Greek ships using the Liberian flag definitely pay a very  
16 good wage scale.

17 Q. Mr. Middleton, you know that that has  
18 nothing to do with the ownership of the vessel, it has  
19 to do with the crew employed on these vessels. Is that  
20 not a fact?

21 A. Well, as I said before, I certainly  
22 couldn't accept your statement as far as British,  
23 Norwegian, Greek and American owners are concerned. It  
24 may be true when you get down to some of the Liberian  
25 ships or some of the Honduran ships.

26 Q. What about Japanese ships?

27 A. Japanese ships' wage scales are coming up  
28 quite rapidly. Most of them are rather trying circum-  
29 stances. We keep reading where the Japanese owners are  
30 going to have to consolidate or something because of that







1 pressure.

2 Q. Surely you can't compare the wage scales  
3 of Japan with those of the United States?

4 A. No, I don't think I would do that.

5 Q. Isn't it a fact that your company has to  
6 subsidize your own ship when it is in competition with the  
7 British ships?

8 A. Yes.

9 Q. Isn't it a fact that there are three types  
10 of subsidies: construction subsidies, operation subsidies  
11 and differential subsidies?

12 A. I am personally not aware of three. I am  
13 aware of the construction subsidy and the operating  
14 subsidy.

15 Q. Is it not a fact that the operating sub-  
16 sidy pays the difference of the cost between the operation  
17 of an American ship as compared to a British ship?

18 A. No, definitely not.

19 MR. JACQUES: Excuse me, my lord. This is all very  
20 interesting, but I fail to see what use it could be to the  
21 Commission. Frankly, I am not sure of my friend's point.  
22 I wish he would explain it to the Commission. We are here  
23 to investigate into marine pilotage, and of course, we  
24 have to take into consideration the pilotage dues and the  
25 effect on the economy. I don't think it is the intention  
26 of the Commission, at least, it is not my intention, to  
27 compare the standard of living in Canada with the standard  
28 of living in Japan, or again, to compare the present  
29 structure in Canada as regards subsidies as against the  
30 United States. We have no authority to recommend changes





1 in these structures, and if my learned friend would state  
2 to the Commission his purpose, I would appreciate it.

3 MR. LANGLOIS: Surely, my lord, it is not my  
4 friend's intention to tell me how I should put my case to  
5 the Commission, and I wish I could be free to present my  
6 case in the way in which I think is in the best interests  
7 of my principals.

8 THE CHAIRMAN: Yes, but as long as we stay with-  
9 in our terms of reference.

10 MR. LANGLOIS: Yes, but for the moment I am  
11 cross-examining the witness who laid quite an emphasis  
12 on the cost of pilotage in Canada, taking into account the  
13 total cost to the ships, and I want to bring to your  
14 lordship's attention that some of these ships are foreign  
15 ships using cheap labour.

16 THE CHAIRMAN: All right, you may go on.

17 Q. So you are quite sure that the operating  
18 subsidy paid in the United States is not to take care of  
19 the difference in the operating costs as between an  
20 American-owned ship and a British-owned ship?

21 A. That is the ultimate intention, but, first  
22 of all, they have a construction subsidy and, secondly,  
23 they have an operating subsidy, and I think the operating  
24 subsidy is based on the miles run or length of voyage.

25 Q. Have you not heard of the differential  
26 subsidy to take care of your ships when they are in  
27 competition with the Scandinavian ships?

28 A. I think this is all included in the  
29 operating subsidy which I am trying to explain.

30 Q. It is a differential subsidy?





1 A. Well, the differential subsidy and the  
2 operating subsidy are one and the same.

3 Q. Is it not a fact that American ships in  
4 this trade on the Pacific coast are subsidied to come to  
5 this coast?

6 A. All American ships of foreign trading  
7 operating out of here are, to the best of my knowledge,  
8 subsidied.

9 Q. Is it not a fact that they get duty-free  
10 diesel oil or fuel?

11 A. When they bunker in the United States they  
12 will take oil from any one of the oil refineries who  
13 refine their oil.

14 Q. When you said that fifty cents a ton might  
15 make a difference in the cost to the charterers, you were  
16 not inferring that this would represent the cost of  
17 pilotage?

18 A. Not at all. It is a cost. It is a fact  
19 of life.

20 Q. In your cost accounting have you figured  
21 out the average cost per ton of your pilotage costs?

22 A. Not on all ships and on all runs. I have  
23 done it occasionally here and there. But we don't in our  
24 office endeavour to keep figures of that sort all the  
25 way through.

26 Q. So you claim that the cost of pilotage  
27 is a burden on the industry and you have not figured out  
28 what it represents on a tonwise basis?

29 A. I could give you an example of that on the  
30 New York.







1 Q. Would you say that that example was a  
2 normal example?

3 A. I would say for a liner vessel proceeding  
4 to Kitimat to load a normal parcel of aluminum it is a  
5 very normal charge or average charge.

6 Q. You have given an example where the cost  
7 of pilotage would be comparable to the cargo carried?

8 A. No. I have learned through some of my  
9 friends in the industry that they are paying ----

10 Q. Speaking for yourself?

11 A. We have other examples where --- let me  
12 change this. In the example I gave you the vessel listed  
13 approximately 990 tons. We have also had vessels which  
14 have only loaded 750 tons.

15 Q. You have also vessels taking full cargos?

16 A. We have never had a vessel taking a full  
17 cargo out there. There has never been a full cargo of  
18 aluminum ingots out of Kitimat.

19 Q. Is it not a fact that on January 31st,  
20 1961, the Norwiken took a full cargo of aluminum out of  
21 Kitimat?

22

23

24

25

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1 A. I have no knowledge of it, if she did, and  
2 I question it.

3 Q. Is it not also a fact that the Sun Palermo  
4 also took a full cargo of aluminum, 13,500 tons out of  
5 Kitimat?

6 A. I personally have no knowledge of it, and  
7 I could only ask, and we could put on the stand if you  
8 wish to do so the representative of the Kitimat company,  
9 who will know exactly.

10 MR. BIRD: We will have that information at  
11 Prince Rupert sir.

12 THE WITNESS: I am only testifying of my own  
13 knowledge.

14 Q. The Morviken and the Sun Palermo ---  
15 Before we go on my lord, I am going to change the subject  
16 slightly.

17 THE CHAIRMAN: That is all right. We will  
18 adjourn for a few minutes then.

19 ---A short recess.

20  
21  
22 Q. Mr. Middleton, mention was made by you  
23 and your counsel regarding the establishment of fixed  
24 salaries, or earnings, or wages for pilots. Am I to  
25 understand this is a recommendation made by your Chamber  
26 of Shipping?

27 A. I think our recommendation says that the  
28 earnings of the pilots should be commensurate with other  
29 segments of the industry, or something to that effect.

30 Q. But your counsel asked Captain Gosse for







1 example if pilots were paid \$15,000 in fixed salary if this  
2 would not settle the matter of a resident pilot in Prince  
3 Rupert. Am I to understand that your Chamber will  
4 recommend that such should be the fixed earnings of  
5 pilots?

6 A. I don't think that the Chamber of Shipping  
7 has any specific figure in mind, and certainly I don't  
8 recall naming a specific figure. Does that answer the  
9 question, sir?

10 Q. But your Chamber of Shipping will be  
11 agreeable to the establishment of fixed salaries for  
12 pilots, irrespective of the figure, without mentioning  
13 any figure. Is that right?

14 A. If the Commission, in its wisdom, decides  
15 that that is the way it should be done across Canada, fine.  
16 We are not trying to determine how this should be done.

17 Q. But you are here to make recommendations  
18 and suggestions. Are you making such a recommendation or  
19 suggestion to the Commission?

20 A. We recommended in our brief I believe that  
21 pilots' income should be commensurate with other segments  
22 of the industry.

23 Q. But you are not necessarily recommending  
24 that these wages should be arbitrarily fixed. Is that  
25 a fact?

26 A. That is correct.

27 Q. You said also that you didn't quarrel  
28 with the pilotage rates. Do you quarrel with transporta-  
29 tion expenses, and you even mentioned that these incidentals  
30 doubled up the pilotage bills. Is that the correct





1 interpretation of your testimony?

2 A. I mentioned that the detention, the  
3 travelling, and the expenses --- I think I was grouping  
4 those all together as doubling up the bill. Now, they  
5 only double up the bill on a typical ship. It would not  
6 always be the case.

7 We were hearing this morning about a 27,000-  
8 ton ore carrier. Well, this is a very large ship, an  
9 unusual ship. That situation probably wouldn't be true  
10 there. On the other hand, if your ship gets small enough  
11 it even gets worse.

12 Q. But is it not a fact that the tendency  
13 is to go into larger ships nowadays?

14 A. The tendency has been towards larger ships,  
15 but I still say that 27,000 and eight or nine hundred, or  
16 whatever that figure was, is a pretty big ship.

17 Q. And this tendency is in order to reduce  
18 the direct cost to the owners for the transportation of  
19 cargoes. Is that not a fact?

20 A. Exactly.

21 Q. And that would include pilotage costs too?

22 A. All costs are involved.

23 Q. Going back to your brief sir, you mention  
24 on page 4:

25 "We further recommend that some provision, other  
26 "than those presently in effect, should be made  
27 "for deep-water men to become eligible for the  
28 "pilotage service".

29 Is it not a fact, sir, that you have presently among your  
30 B.C. coast pilots many former deep-water men?





1 A. I am not personally familiar with the  
2 background of most of our B.C. pilots, but I think I am  
3 correct in saying that the majority do not have deep-sea  
4 service as master.

5 Q. Is it not a fact, sir, that you have 38  
6 B.C. coast pilots with deep-sea experience?

7 A. Oh, I am sure there must be quite a few  
8 of them that have deep-sea experience, but I still think  
9 that not very many of them have a master's certificate.

10 MR. LANGLOIS: My lord, in this respect we are  
11 contemplating filing at a later stage a statement giving  
12 the experience of each of the B.C. pilots. This would be  
13 done probably when we do come back to Vancouver.

14 THE CHAIRMAN: What would be the aim of that?

15 MR. LANGLOIS: To clarify what exactly is the  
16 experience of the pilots operating.

17 THE CHAIRMAN: This would be with respect to the  
18 evidence that it is almost impossible now for deep-sea men  
19 to obtain eventually a licence before the age limit is  
20 reached?

21 MR. LANGLOIS: Partly for this purpose, but also  
22 for the purpose of establishing that the present B.C.  
23 pilots have had quite a lot of experience, as compared to  
24 these foreigners that the Chamber of Shipping wants to  
25 come as part-time pilots, if you like, in these waters.

26 THE CHAIRMAN: According to their brief, though,  
27 that is not what they want. They want to have a source of  
28 new pilots, because in a few years there might be no  
29 masters to choose from to obtain pilots. That is what I  
30 gather from their brief, but in any event that is all right.







1 You may file that.

2 Q. In your brief also, how do you reconcile,  
3 sir, the following statements in your brief? On page 5  
4 you state:

5 "We recommend that the Guild should have no  
6 "place in negotiations involving pilotage matters,  
7 "but that such negotiations should be conducted  
8 "through the Pilots' Association on behalf of  
9 "pilots".

10 Then on page 7:

11 "---we contend that the scale of fees are not  
12 "matters for discussion with the employees of  
13 "the service and therefore recommend they should  
14 "be arrived at and agreed upon by the Department  
15 "of Transport, or other governing body, and the  
16 "Chamber of Shipping".

17 How do you reconcile those two statements?

18 A. I don't think that those two statements  
19 are in conflict at all personally. It is dealing with  
20 two different things. In the first place we say if we  
21 are going to negotiate we want to negotiate with the pilots,  
22 and the pilots' own elected representatives within their  
23 group. Now, the other thing has reference to something  
24 else entirely. We are suggesting there that all this  
25 should be put under the Department of Transport, or some  
26 other governmental body, to carry on these negotiations.

27 Q. But is it not a fact that on page 5 you  
28 want these negotiations to take place as between the  
29 Pilots' Association on behalf of the pilots, and on page  
30 7 you say that the pilots should have no part to take in





1 these negotiations?

2 A. If the present procedures continue we  
3 want one, but we are asking for a different procedure.  
4 That is the best way I can answer it.

5 Q. You have also on page 9:

6 "Any discussion on earnings would be between the  
7 "Commission and the Pilots".

8 That is where you make your recommendation for a pilotage  
9 board or a commission. There again you want the Commission  
10 to be dealing with the pilots. Is that not a fact?

11 A. That is correct.

12 Q. How do you reconcile that with the  
13 previous statements in your brief?

14 A. Well, it does not necessarily follow that  
15 all or any of our recommendations will ever be accepted.  
16 This is up to the discretion of the Commission, and we are  
17 trying to put this thing forward in such a way that we  
18 will recommend, or we would like to see one thing if it  
19 goes this way, we would like to see something else if it  
20 goes the other way. We don't know what this Commission  
21 might do, what in their discretion they might decide to  
22 do.

23 Q. You feel then that the pilots should take  
24 part in these negotiations when their own earnings are  
25 concerned, is that a fact?

26 A. Well, they are obviously going to want to  
27 negotiate with someone.

28 Q. And you would have no objection to that?

29 A. None at all.

30 Q. Now, on page 6, sir, when you make the







1 following recommendation:

2 "We recommend that where the master of a vessel  
3 "is prepared to take his ship to an out-port  
4 "destination, and there is no properly manned  
5 "pilot station in the area, the ship should not  
6 "be required to pay compulsory fees unless the  
7 "services of a pilot are used".

8 You say:

9 "--- where the master of a vessel is prepared---"  
10 but what would happen if he is not prepared to do without  
11 a pilot?

12 A. Well then we have to call on the pilots.

13 Q. And this also means that you have to  
14 provide in your pool of pilots the necessary number of  
15 pilots to take care of these situations?

16 A. Well, this situation is basically out-ports,  
17 and one of the complaints of the pilots has been that  
18 they are over-worked because so many of their men are  
19 away from their home base, and this might help to rectify  
20 that situation also.

21 Q. But I understand from your recommendation  
22 sir, that you want the pilotage pool to provide in case  
23 these ships want a pilot. Is that not the meaning of  
24 your recommendation?

25 A. There would undoubtedly be occasions when  
26 somebody would ask for a pilot, but even now sometimes  
27 there are not pilots at certain places when you get into  
28 an emergency, and these are the kind of things we are  
29 envisioning. For instance, we heard testimony this  
30 morning where the vessel had to go to Prince Rupert from





1 Queen Charlotte. Supposing that particular vessel had  
2 gone up, or were permitted, or arrangements had been made  
3 for her to go direct to sea from there, it is a pretty  
4 expensive business to send two pilots by air up there to  
5 take the vessel a few miles out of the harbour and turn  
6 her loose. Now, this of course is assuming some change  
7 might be made whereby that vessel didn't have to go into  
8 Prince Rupert to clear. Arrangements might be made between  
9 the owners and the Government to send the customs man to  
10 clear the ship, rather than send her to Prince Rupert.  
11 I am not suggesting that this is the case. I am only  
12 suggesting that these arrangements might be made under  
13 certain circumstances.

14 Q. And that will mean that provision will  
15 have to be made in determining the number of pilots on  
16 this coast to face these situations?

17 A. There must be sufficient pilots available  
18 to do the jobs that are required.

19 Q. So you are suggesting that the Canadian  
20 pilots should provide a pool from which foreign ships  
21 will draw in some cases as they please?

22 A. I would say from my knowledge of the  
23 situation that 90% of the ships would request the services  
24 of a pilot.

25 Q. 90%?

26 A. I would just guess this. The other 10%  
27 would be extenuating circumstances, and places where  
28 masters of the individual vessels are trading back and  
29 forth, and otherwise thoroughly familiar with what they  
30 are doing.





1 Q. So your recommendation would be only for  
2 the benefit of a very small percentage of the shipping  
3 industry?

4 A. I didn't follow your question, sir.

5 Q. If only 10% of your ships will benefit,  
6 will take advantage of the exemption that you are asking  
7 for, this recommendation is made then only for the benefit  
8 of a small percentage of the shipping industry?

9 A. That is basically correct, but this small  
10 segment is a very important one, because these things all  
11 happen in the remote areas where we are trying to build  
12 up new industry. That is our problem.

13 Q. I come back now to page 7 where you say:  
14 "Alternatively, ships' masters or officers could  
15 "be given exemptions after say six months on a  
16 "specified run".

17 I understand this to be equivalent to the so-called white  
18 licence. Do you know what a white licence is?

19 A. I have not heard that word before.

20 Q. White flag, or white licence?

21 MR. BIRD: Perhaps for my edification Mr.  
22 Langlois might tell us what this is. I have not heard it  
23 either.

24 MR. JACQUES: It is an east coast expression.

25 MR. LANGLOIS: It is an east coast expression  
26 where piloting licences are given to the master, or one  
27 of the officers.

28 Q. But I see there are no recommendations  
29 that these so-called white licences, or whatever you call  
30 them, should be issued after at least preliminary







1 examination, or some examination of some kind by the  
2 Department of Transport people?

3 A. I think that would not necessarily follow,  
4 but again this is left to the discretion of the Commission.  
5 I put it this way. Testimony was given that one of the  
6 smaller ships carrying paper from Powell River to  
7 California makes 26 trips a year. Now, assuming that it  
8 is the same master, I think that after 26 trips up and  
9 down the Gulf of Georgia and the Strait of Juan de Fuca  
10 he is pretty well qualified. I will go further, and say  
11 I bet -- I should not say bet, but I assume that there are  
12 a great many ports on this coast where our own pilots  
13 don't get in more than once a year, considering we have  
14 26 of them.

15 Q. It does not mean to say that they have  
16 not been in there before?

17 A. No, but they have not been in there for  
18 a year.

19 Q. Speaking of ships going down to California,  
20 can they get exemption down there in Californian ports?

21 A. Ships under enrolment are exempt from  
22 pilotage. They may have to pay pilotage into San Francisco,  
23 and then they would switch from register to enrolment,  
24 and be free of pilotage for the rest of the voyage, but  
25 if they are under register they must pay pilotage to the  
26 best of my knowledge.

27 Q. That is the case of ships calling at B.C.  
28 ports presently? They are not under enrolment, because  
29 they are foreign?

30 A. Going foreign they would have to be on





1 register.

2 COMMISSIONER SMITH: Those ships under enrolment,  
3 don't they have to carry a federally-licensed pilot on  
4 board?

5 A. That is correct sir. Yes, this thing comes  
6 up primarily, or used to --- The trade is gone now, but  
7 the United States inter-coastal trade from say New York  
8 around to Seattle, and they would be under enrolment, in  
9 which case they don't have to pay compulsory pilotage, but  
10 one of the officers on that ship would have a federal  
11 licence which would permit him to go into say Norfolk,  
12 New Orleans, Los Angeles, or somewhere else. It might not  
13 be the same man at each port.

14 COMMISSIONER SMITH: When you say federal  
15 licence, it is a federal pilot's licence?

16 THE WITNESS: That is correct.

17 Q. This enrolment would apply only to  
18 American ships, not to Norwegian or other foreign flag  
19 ships?

20 A. This is quite correct.

21 Q. Now, at the bottom of page 7, and the top  
22 of page 8, I will read only the last part of the sentence:

23 "--- they bear and comparable remuneration in

24 "the industry both ashore and afloat and that

25 "received by their superiors in the Department

26 "of Transport".

27 You are not surely referring to the Minister, or the  
28 Deputy Ministers in that statement I take it?

29 A. Well, we are referring to the Department  
30 generally. I personally have no knowledge of what a







1 Minister receives.

2 Q. But it is a fact that the pilots are not  
3 employees of the Department of Transport, is that not  
4 so?

5 A. Well, they are certainly under the control  
6 of the Department of Transport.

7 Q. But they are not employees?

8 A. No. I guess this is a moot question.

9 Q. You could probably have recommended also  
10 that the salaries of the Department of Transport officials  
11 be raised?

12 MR. JACQUES: That would have been outside our  
13 terms of reference.

14 MR. LANGLOIS: On page 8 sir, you deal with the  
15 problems in the Puget Sound. Is it not a fact, sir, that  
16 when the B.C. coast pilots objected to carrying on in  
17 Puget Sound it was for the reason that they were short-  
18 handed? They wanted additional pilots?

19 A. They generally want additional pilots.  
20 This is nothing new, as can be seen from our testimony.  
21 In 1956 there were 47. In 1962 there are 66. This is  
22 a continuing situation, and we try to go along with the  
23 pilots provided we are not raising our costs excessively.

24 Q. But was that not their reason? That was  
25 my question, for their refusal at the time the problem  
26 arose?

27 A. They may have given that as the reason.  
28 I don't recall that they did. I know it was not the only  
29 reason. The basic reason was they were unhappy because  
30 we wouldn't give them other increases.





1 Q. Are you prepared to say that this has  
2 nothing to do with the dispute in the Puget Sound?

3 A. No, let's put it the other way around, that  
4 the dispute had something to do with Puget Sound.

5 Q. No. These increases in rates that you  
6 have just mentioned. You said other reasons such as  
7 increases in rates. Do you mean to say that the request  
8 for the increase in rates had nothing to do with the  
9 problem in Puget Sound?

10 A. Very definitely.

11 Q. That is your considered opinion?

12 A. Yes, that is my considered opinion.

13 Q. Is it not a fact sir that Canadian pilots  
14 have been carrying out pilotage service in the Puget Sound  
15 after this dispute arose?

16 A. There have been a few occasional ships,  
17 but very, very few.

18 Q. Is it not a fact that this is the case  
19 nowadays, presently?

20 A. The present ban on Canadian pilots going  
21 to Puget Sound is not the Vancouver Chamber of Shipping.  
22 We are for our pilots. The present ban is put on by the  
23 Puget Sound Ships Association.

24 Q. This was not my question. Is it not a  
25 fact that Canadian pilots are carrying out their duties  
26 as they used to do in the Puget Sound nowadays, presently?

27 A. To the best of my knowledge there is one  
28 Puget Sound company that is calling for Canadian pilots.

29 Q. Is it not a fact also that after the  
30 pilots made representations for an increase in the number





1 of pilots that this increase was granted by the Department  
2 of Transport?

3 MR. BIRD: Perhaps you could tell him at what  
4 time?

5 THE WITNESS: I don't know what you are talking  
6 about.

7 Q. October of 1961. I have here a telegram  
8 which I will show you. You will read it and tell me if  
9 you had any knowledge of this telegram.

10 My lord, this is a telegram dated October the  
11 11th, 1961, addressed to Captain K. Bennett, Chairman,  
12 British Columbia Pilots' Committee, signed by Alan Cumyn,  
13 Director Marine Regulations.

14 THE CHAIRMAN: To the effect that the number of  
15 pilots is increased?

16 MR. LANGLOIS: Increased.

17 THE CHAIRMAN: I think it is shown on page 8  
18 of their brief. We see that in 1956 there were 47 and in  
19 1962 there were 66.

20 THE WITNESS: I have not seen that telegram  
21 before, and I have no knowledge of it, but we have worked  
22 with the Department of Transport.

23 MR. LANGLOIS: This telegram goes a bit further  
24 than what is in the brief. It starts "REURTEL. Our  
25 decision appoint two more pilots at this time must be  
26 sustained because volume of work in your district as  
27 reported by you points to an early increase in staff in  
28 order that pilotage should be maintained at an efficient  
29 level. Can't understand your claim that such action  
30 contravenes by-law as consultation provided for therein has







1 been held with your committee at great length".

2 THE CHAIRMAN: It is from the Department?

3 MR. LANGLOIS: Yes, from Mr. Cumyn, Director  
4 of Marine Regulations. I am prepared to file this as an  
5 exhibit.

6 MR. BIRD: My lord, perhaps my friend could  
7 also produce the telegram or correspondence, or writing,  
8 which gave rise to this reply, because it is not readily  
9 intelligible to me at the moment.

10 MR. LANGLOIS: There is no objection to that.  
11 This was in answer to a telegram. It starts with "REURTEL",  
12 so we will file this telegram.

13 MR. JACQUES: As your lordship has mentioned,  
14 this telegram obviously refers to other previous consulta-  
15 tions, previous telegrams, or previous correspondence. I  
16 have no objection, and I don't think that the Department  
17 has any objection, to filing this telegram at this moment.  
18 However, my lord, in order that it be understood by the  
19 Commission, I would ask the party filing the telegram to  
20 provide all relevant information concerning this exchange  
21 of opinions or consultations.

22 MR. LANGLOIS: We have already agreed to that,  
23 and this will be done at the next sitting.

24 MR. JACQUES: I would prefer if you would hold  
25 it in abeyance until you have all your documents, and we  
26 could file it at that moment.

27 MR. LANGLOIS: Captain Gosse is just telling me  
28 that the reason why this telegram should be filed was to  
29 support his contention when he was on the stand that he  
30 had been penalized, because he had objected to going down





1 to Puget Sound.

2 MR. JACQUES: Well, that is rebuttal, and I  
3 don't think it is fair to use this evidence as rebuttal.  
4 I would prefer to wait until you have the other documents.

5 THE CHAIRMAN: In any event, the telegram has  
6 been read and it is in the evidence now, and we will  
7 follow your request that he qualify the value of this  
8 exhibit, and therefore I think it should be filed as  
9 Exhibit 122 with the understanding that we are going to  
10 be provided with the correspondence leading to it.

11 ---EXHIBIT NO. 122: Telegram dated October 11, 1961,  
12 from Alan Cumyn, Director of  
13 Marine Regulations, Department  
14 of Transport, to Captain Bennett,  
Chairman, British Columbia  
Pilots' Committee.

15 Q. In your evidence, Mr. Middleton, you  
16 mentioned that some runs should be subsidized, referring  
17 to some of these northern runs. Would you elaborate on  
18 what you mean exactly that they should be subsidized?

19 A. Well, you can have any and all kinds of  
20 subsidies. This could be subsidized by the Department of  
21 Transport, this could be subsidized by the other pilots  
22 working on the lower mainland or some other way. We  
23 normally contend that we should have resident pilots at  
24 various places in the north, and if the fees that these  
25 pilots collect are not sufficient to pay them a proper  
26 wage, that the difference has got to come out of somewhere  
27 else.

28 Q. Am I to understand that you are recommending  
29 that either the Canadian pilots or the Department of  
30 Transport subsidize foreign shipping? You don't even







1 subsidize Canadian shipping.

2 A. This is comparable to the situation we  
3 have with port wardens on this coast. You could also  
4 claim that port wardens are subsidizing foreign shipping.  
5 You could claim that anything that goes on and everything  
6 is subsidizing foreign shipping, because we don't have  
7 any offshore Canadian shipping.

8 Q. Would you explain the port wardens are  
9 subsidizing foreign shipping.

10 A. The port warden in Vancouver was making  
11 excessive income off his fees, and the port warden in  
12 Nanaimo and Port Alberni were starving on their fees.

13 Q. If they take something away from the port  
14 warden in Vancouver and give it to the port warden at  
15 Nanaimo, this money doesn't go to a foreigner, it goes  
16 to another Canadian working there.

17 A. This is what we proposed, that the money  
18 paid to the other pilots be paid to the northern pilots.  
19 We are charging on a fee basis.

20 THE CHAIRMAN: I think that is a matter for  
21 argument, Mr. Langlois.

22 MR. LANGLOIS: Thank you, Mr. Middleton.

23 MR. JACQUES: Well, my lord, at this late hour,  
24 it is twenty, quarter to twelve, and I understand the  
25 ship owners have their annual dinner at Seattle this  
26 evening, I would prefer to reserve my re-examination or  
27 further examination of the witness until next week.

28 There is one point I would make. As regards  
29 the Puget Sound dispute or affair, let's say it doesn't  
30 connote anything. If my memory serves me right, I asked





1 Captain Gosse to file any memorandum or correspondence  
2 exchanged on this question.

3 MR. LANGLOIS: Exchanged with whom?

4 MR. JACQUES: With anyone, either the Department,  
5 with Americans.

6 MR. LANGLOIS: It is a tall order.

7 MR. JACQUES: It is a tall order.

8 THE CHAIRMAN: I am just wondering what bearing  
9 it is going to have on this investigation, unless you want  
10 to show the procedure followed and to what extent it is  
11 not satisfactory, because we are not going to pass upon  
12 a problem that has been settled. But if it is to give  
13 an example of the procedure and how effective it is, that  
14 is all right, but other than that I don't think we should  
15 get into all the arguments which were aired before and it  
16 is settled. I wish you to get in touch with the pilots.

17 MR. LANGLOIS: This is one of the reasons why  
18 we didn't raise this question in our brief, it was brought  
19 in by the other side, the Chamber of Shipping, because it  
20 is outside the pilotage of British Columbia. We are into  
21 international waters, and the only ones who are preventing  
22 it reverting to the former situation are the Amercian  
23 pilots, and I would suggest they take it up with  
24 Washington themselves. Our pilots are ready to go back  
25 to the former situation.

26 THE CHAIRMAN: In the event that you will have  
27 your meeting before next week, you could come to an  
28 agreement. If not, we will rule on that when we meet  
29 again.

30 MR. LANGLOIS: My learned friend asked me the





1 other day to file the minutes of the Pilots' Committee,  
2 Vancouver Pilots' Committee. I have here the minutes of  
3 the B.C. Coast Pilots' Committee covering the period from  
4 January 22nd, 1962, to February 18th, 1963, both dates  
5 inclusive, and I am prepared to file them with the  
6 reservation that I made the other day, that this would be  
7 for the use of the Commission only and would be treated  
8 as confidential. My learned friend has agreed that the  
9 Commission make copies of these minutes and they are  
10 returned.

11 THE CHAIRMAN: As we normally do.

12 THE SECRETARY: My lord, they were filed as  
13 Exhibit 100, they were given a number.

14 MR. JACQUES: My lord, before we adjourn, I  
15 would say this, that when any party intends to file any  
16 document such as this telegram which has been filed as  
17 Exhibit No. 122 and there is a likelihood that other  
18 documents be requested to complete the one that it is  
19 intended to file, they should be provided at the same  
20 time, otherwise we find ourselves in an awkward position  
21 of having a witness on the stand filing a document and  
22 having the rest of the documents being filed later on. I  
23 don't think it is fair to the other parties involved and  
24 to the Commission.

25 THE CHAIRMAN: Yes. This, of course, cannot be  
26 made as a rule because it is made in regard to the  
27 circumstances. For instance, if you want to file a  
28 telegram to show an agreement was made, all right, every-  
29 thing is there. So according to the circumstances, we  
30 are all lawyers, we know what is to be done, but sometimes







1 what one thinks is enough another thinks is not enough.  
2 I think everyone is trying to do his best and not to  
3 hamper at all the proceedings or the record. The Commission  
4 is very satisfied with the way it is going.

5 MR. BIRD: My lord, I have been particularly  
6 asked by Mr. Brodie, and I wish to make it known now, to  
7 make it known that he wants recorded the very commendable  
8 assistance that his company received and the Japanese  
9 have received from the British Columbia pilots before and  
10 after their loading dock was established at Harriet Bay.  
11 I wish to make certain that that statement is made.

12 THE CHAIRMAN: I think it is the feeling of all  
13 the witnesses here that they get good service from the  
14 pilots.

15 MR. MIDDLETON: My lord, I also wish to say  
16 that I think we have a very excellent group of pilots on  
17 this coast. I do believe that 25 years ago they were  
18 more qualified than they are today before they had radar  
19 and D/F and before they had any of these aids to naviga-  
20 tion. We are a little distressed at the bickering or the  
21 thing developing into taking sides. I thought this  
22 hearing was for the benefit of improving the overall  
23 situation, and I think in speaking for the Chamber of  
24 Shipping I feel that the pilots and the ship owners should  
25 be pulling together to increase traffic, to increase  
26 settlement of the coast, to get more ships, to take care  
27 of all of us, rather than to tear the thing apart and  
28 perhaps we will all wind up with nothing.

29 MR. LANGLOIS: On behalf of my clients I wish  
30 to thank my learned friend Mr. Bird and Mr. Middleton for





1 their statements.

2           There is one thing I wish to add, and that is  
3 it is pretty hard to improve on the perfection.

4           THE CHAIRMAN: So the Commission will adjourn  
5 to Prince Rupert, next Monday morning. As far as this  
6 sitting in Vancouver is concerned, we are going to adjourn  
7 until Wednesday, 27th March, in the small debt court room  
8 in New Westminster. We expect the New Westminster hearing  
9 to finish in two days, and if not we are going to take a  
10 third day, and then we will just carry on right after  
11 with the Vancouver hearing. It is understood, of course,  
12 that on the 25th we meet at the same place for the New  
13 Westminster hearing. It is Prince Rupert on Monday next  
14 week, New Westminster on the 25th, Monday the 25th, Monday  
15 and Tuesday in New Westminster, and if necessary Wednesday  
16 in New Westminster, and right after at New Westminster  
17 we are going to finish Vancouver, but we are going to  
18 finish New Westminster first.

19           So the adjournment of the Vancouver hearings is  
20 until Wednesday the 27th.

21  
22 ---Whereupon the hearing adjourned at 11:55 a.m. until  
23 March 18th, 1963, at Prince Rupert, B.C.  
24  
25  
26  
27  
28  
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30





# ROYAL COMMISSION

ON

## PILOTAGE

### HEARINGS

HELD AT

PRINCE RUPERT  
B. C.

VOLUME No.:

9

DATE:

MARCH 18

1963

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
in the City Hall, Prince Rupert,  
British Columbia, on Monday, the  
18th day of March, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary
-----------------------	-----------

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

Mr. Leopold Langlois, Q.C., for the Canadian  
Merchant Service Guild, Inc. and the  
British Columbia Coast Pilots.

Mr. J.I. Bird, Q.C., for the Aluminum Company  
of Canada Limited. and Vancouver Chamber  
of Shipping.

ALSO PRESENT:

Capt. F.S. Slocombe, Department of Transport  
and Liaison Officer.

Capt. J.S. Scott, Technical Advisor to  
Commission.





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1 --- On commencing at 10 a.m.

979

2 MR. JACQUES: As usual, my lord, I shall file  
3 the relevant charts for the area. Chart No. 3735,  
4 Chatham Sound Approaches to Prince Rupert and Skeena  
5 River, Exhibit No. ?

6 THE SECRETARY: 123.

7 MR. JACQUES: The next one is Chart 3837,  
8 Queen Charlotte Sound to Dixon Entrance, Exhibit 124.  
9 The next one is Chart 3743, which is Douglas Channel,  
10 Exhibit 125. Chart 3736, being Kitimat and Kemano Bay,  
11 Exhibit 126. And, lastly, Chart 3701, being Prince  
12 Rupert Harbour and Approaches, Exhibit 127.

13

14 --- EXHIBIT NO. 123: C.H.S. Chart No. 3735, Chatham  
15 Sound Approaches to Prince  
Rupert and Skeena River.

16 --- EXHIBIT NO. 124: C.H.S. Chart No. 3837, Queen  
17 Charlotte Sound to Dixon Entrance.

18 --- EXHIBIT NO. 125: C.H.S. Chart No. 3743, Douglas  
Channel.

19 --- EXHIBIT NO. 126: C.H.S. Chart No. 3736, Kitimat and  
20 Kemano Bay.

21 --- EXHIBIT NO. 127: C.H.S. Chart No. 3701, Prince  
22 Rupert Harbour and Approaches.

22

23 MR. JACQUES: I understand that the pilots  
24 wish to present an amendment to their brief, and I submit  
25 that it might be in order for them to present this amend-  
26 ment now.

27 THE CHAIRMAN: All right.

28 MR. LANGLOIS: My lord, in the British Columbia  
29 Coast Pilots' brief the only amendments having to do with  
30 pilotage in the northern portion of the district are that







1 more adequate pilot boats should be supplied for Prince  
2 Rupert.

3 MR. JACQUES: Which page?

4 MR. LANGLOIS: That is in the summary of main  
5 conclusions and recommendations on page 3. And if two  
6 pilots are employed they should be paid double pilotage  
7 instead of being paid, as at present, one pilotage-and-a-  
8 half.

9 In connection with the recommendation which  
10 is Recommendation No. 4 on page 3 of the brief, I would  
11 like Captain Gosse to be put on the stand at this time.

12 THE CHAIRMAN: Is this for amendment to the  
13 brief or further evidence?

14 MR. LANGLOIS: It is further evidence. We  
15 still maintain that a pilot boat should be supplied for  
16 Prince Rupert, but we wish to elaborate on it at this  
17 time. It is further evidence.

18 THE CHAIRMAN: That is all right.

19  
20 SUBMISSION OF COAST PILOTS OF  
21 BRITISH COLUMBIA.

22 (continued)

23 CAPTAIN WALTER ALLAN GOSSE, continued

24 THE SECRETARY: Would you state your name for  
25 the record, please?

26 THE WITNESS: Walter Allan Gosse.

27  
28 RE-DIRECT EXAMINATION BY MR. LANGLOIS:

29 Q. Captain Gosse, on page 3 of your brief,  
30 of the British Columbia Pilots' brief, Item 4, you





1 recommend that the pilot boat in the Prince Rupert area  
2 should be replaced. Would you tell the Commission what  
3 the pilots exactly have in mind in this respect.

4 A. Well, I have a note of it down here. May  
5 I read this note?

6 Q. Yes.

7 A. The British Columbia pilots would like to  
8 recommend that the Department of Transport fully subsidize  
9 the construction of a capable and proper pilot boat built  
10 to meet the local conditions in the Prince Rupert area.  
11 We suggest that the operation of this boat should be  
12 turned over to the Armour Salvage Company, and over the  
13 years they have proved themselves capable and qualified  
14 to handle the job.

15 The British Columbia pilots have no complaints  
16 against the Armour Salvage Company except that their boats  
17 are trying to do a job that they were never built to do,  
18 and that they are getting old, and because of these facts  
19 we consider them unsafe.

20 Except for the skill of the masters in handling  
21 these boats there may have been some trouble before this.

22 That is the pilots' view on this matter.

23 Q. If I understand your testimony correctly,  
24 Captain Gosse, you want a boat which would be more suitable  
25 to be used as a pilot boat?

26 A. That is right.

27 MR. LANGLOIS: That is all.

28 COMMISSIONER SMITH: Captain Gosse, would you  
29 give the Commission some idea of the cost and structure,  
30 the size and the accommodation and particulars with regard





1 to this type of craft that you have in mind?

2 THE WITNESS: Well, we asked in previous years  
3 for a boat similar to the Saint John pilot boat, in Saint  
4 John, New Brunswick, but I think what probably should be  
5 done in a case like this is that it should have some  
6 local architect, naval architect, or some architect who  
7 knows the local conditions here to come up with a plan and  
8 submit it. I think also probably if the Department had a  
9 boat built here in Prince Rupert it may be a lot cheaper  
10 and it may be probably a better boat for the service here  
11 in this port.

12 THE CHAIRMAN: But what should be the character-  
13 istics of that boat, and why?

14 THE WITNESS: Well, a proper pilot boat - you  
15 see, if a pilot boat has high gunwales on it, there are  
16 all these things you have to watch out for in tripping  
17 over the deck on a dark night.

18 MR. JACQUES: Would you explain to the  
19 Commission what is a gunwale?

20 THE WITNESS: It is the side of the ship coming  
21 up above the deck. There is a guard rail above the deck  
22 which you have to walk over, and sometimes the ladder  
23 gets stuck on it, and so forth. But a boat similar in  
24 design to the present pilot boat in Saint John; but as  
25 far as the hull construction and as far as the seaworthi-  
26 ness is concerned, it should be designed to suit the coast  
27 here. We would like, if they were going to get a design,  
28 to submit it to the pilots before they built it for our  
29 approval besides the Department's approval.

30 THE CHAIRMAN: You would like to be consulted?







1 THE WITNESS: Well, have the plan submitted to  
2 see whether that is what is wanted or not. Of course, we  
3 don't own these boats, but, after all, we are going to  
4 have to use them.

5 COMMISSIONER SMITH: The Commission was on the  
6 pilot boat in Saint John Harbour. Are you familiar with  
7 it?

8 THE WITNESS: Yes, something similar to that,  
9 a 75-foot boat. But if a naval architect was asked to  
10 design one he could design one and ask us to approve of  
11 the plan. We would be willing to give ideas as to what  
12 we should have.

13 THE CHAIRMAN: I gather that the one you have  
14 right now is seaworthy but not built for the jobs it is  
15 doing?

16 THE WITNESS: That is right. You see,  
17 primarily I think it is supposed to be a towboat. When  
18 we made out this brief we were not talking only about one  
19 boat; there is the Saguenay Prince, which I have been out  
20 on two or three times. But, anyway, these boats have done  
21 a good job, and the boat is getting old, she is 40 years  
22 old now, and if she is going to be pounded much more she  
23 is liable to pound her sides in.

24 THE CHAIRMAN: What about the speed?

25 THE WITNESS: I think 12 knots cruising speed  
26 would be plenty, because if you get out further you can't  
27 get any more speed, you would just drown the ship. You  
28 couldn't do any more in rough weather.

29 MR. LANGLOIS: The present boat, I understand,  
30 is a wooden boat.





1 THE WITNESS: Yes. I think a wooden boat is  
2 fine.

3 MR. LANGLOIS: Now, Captain, how much freeboard  
4 does she have?

5 THE WITNESS: Well, I would say probably that  
6 the lowest would be 2 feet,  $2\frac{1}{2}$  feet. It could be 3; I  
7 wouldn't be sure.

8 MR. LANGLOIS: Would you recommend that the new  
9 boat have more freeboard than that?

10 THE WITNESS: Yes, a bit more. But you don't  
11 want the decks cluttered up; you don't want bulwarks on  
12 her. We were asked to pass on a new boat for the Alberni  
13 Canal and they had plates on the decks, and as long as we  
14 said that is what we want, the inspectors would pass her.  
15 Those are things where you can step off the deck onto the  
16 ladder.

17 MR. LANGLOIS: What is the speed of the present  
18 boats used as pilot boats?

19 THE WITNESS: I would imagine 8 knots. You see,  
20 they have a towing wheel on them, and that is more for  
21 power.

22 MR. LANGLOIS: What is the strongest current  
23 you may have to encounter here?

24 THE WITNESS: The only current that would bother  
25 you going out to Triple Island would be through the  
26 Metlakatla Passage.

27 MR. LANGLOIS: Would you also give the current  
28 in knots?

29 THE WITNESS: Oh, 4 to 5 knots, I guess.

30 MR. LANGLOIS: Thank you.







1 CROSS-EXAMINATION BY MR. JACQUES:

2 Q. You mentioned that the boat should be  
3 suited to local conditions?

4 A. Yes.

5 Q. Would you care to enumerate what those  
6 local conditions, in your mind?

7 A. Well, it is quite an open boarding station,  
8 and it should be a boat suitable to go to Triple Island  
9 and probably contact the boat by a signal of some kind and  
10 lead them in past Triple Island. If we are not out there  
11 the ship is very reluctant to come in to Triple Island.  
12 So it should be a seaworthy enough boat to face - well,  
13 there are times out there when she wouldn't want to be out  
14 there, anyway. But it is to face ordinary sea conditions.

15 Another thing: I think she should be fitted  
16 with radar and all the convenience, because you do get  
17 bad weather up here, and at times it is pretty difficult  
18 to get echoes or to get around with these boats. The last  
19 time I came in it was snowing so hard I could hardly get  
20 from one buoy to another. If it wasn't for the master  
21 being so well-acquainted with it, we would have had  
22 trouble getting in.

23 Q. How much time do you spend on the boat on  
24 an average?

25 A. We usually leave about four hours before  
26 the boat is due,  $3\frac{1}{2}$  to 4 hours. That is if the ship is on  
27 time. But we have had occasions when the ship didn't show  
28 up, and in some cases we have to seek shelter. There  
29 isn't much shelter around Triple Island.

30 Q. So you heave to or wait?





1 A. Yes.

2 Q. Is the present boat fitted with a cabin?

3 A. Yes.

4 Q. How high is the bulwark or the gunwale on  
5 the present boat?

6 A. Well, I would think it might be 12 to 14  
7 inches. It is a while since I have been on it.

8 Q. To your knowledge, has there been any  
9 occasion when the ladder was caught on the gunwale or the  
10 bulwark?

11 A. It happens even without a gunwale.  
12 Usually, if there is a man standing by there, he might  
13 lift a ladder onto the boat itself, but with the boat  
14 going up and down the ladder is jumping up and down in the  
15 boat.

16 Q. I realize that, Captain. But when you are  
17 talking about the ladder getting caught in the bulwark,  
18 wouldn't it rather be that the ladder would be squeezed  
19 between the pilot boat and the ship's hull?

20 A. Well, the boat rises up and it pulls the  
21 ladder up. It could lift it up.

22 Q. Did you see the Saint John pilot boat  
23 yourself?

24 A. I saw the previous one.

25 Q. The present one?

26 A. No, I saw the previous one.

27 COMMISSIONER SMITH: The one that was sunk?

28 THE WITNESS: Yes. The only thing I have seen  
29 is a picture of her and plans.

30 Q. You were supplied with plans of the





1 present Saint John boat?

2 A. No, not the plans, but a sketch.

3 Q. To your mind this would be a suitable  
4 boat?

5 A. Well, I wouldn't like to pass on that  
6 because I have never seen her. If I had seen her I might  
7 be in a better position to say.

8 Q. She has a gunwale?

9 A. Yes.

10 Q. You mentioned that this boat would be  
11 built in Prince Rupert. Just out of curiosity, would you  
12 tell us if there are facilities to build this type of  
13 vessel here?

14 A. Well, maybe you'd better ask the Chamber  
15 of Commerce or Board of Trade.

16 Q. I show you Chart 3837, Queen Charlotte  
17 Sound to Dixon Entrance. Would you trace in pencil what  
18 your trip would be from McInnes Island to Prince Rupert  
19 and Kitimat?

20 A. You mean from McInnes Island to Kitimat  
21 and from Kitimat to Prince Rupert?

22 Q. That is right.

23 A. Yes. (Witness complies)

24 Q. And this mark which you have just made  
25 off ---

26 A. About three miles off.

27 Q. What is the name of this light?

28 A. McInnes Island.

29 Q. Three miles off McInnes Island?

30 A. Yes.







1 Q. This would be the point where you are  
2 taking over navigation of the vessel coming up from  
3 Vancouver, would it not?

4 A. Yes.

5 COMMISSIONER SMITH: Mr. Jacques, would he  
6 also mention the mileage from A to B and B to C, and so  
7 on?

8 MR. JACQUES: Yes, sir.

9 Q. Now, before we go on, you would take over  
10 at McInnes Island and leave the ship at Kitimat. What is  
11 the distance, roughly, between those two points and how  
12 long would it take you to cover them?

13 A. Well, it is 120 miles, and it depends on  
14 the speed of the ship and also weather conditions.

15 Q. The average trip, say, for a ship going  
16 up, one of these Saguenay Terminals ships?

17 A. They have various types of ships and  
18 various speeds of ships. I would say anywhere from 9 to  
19 12 hours, depending on the speed of the ship. Of course,  
20 if you get bad weather, and sometimes you have to wait for  
21 the tide to get into Kitimat, there is not enough water  
22 with a deep-loaded ship at low tide.

23 Q. Now, this is coming up from Vancouver, is  
24 it not?

25 A. Yes.

26 Q. If a ship were to come from sea to Kitimat,  
27 what would be the route which she would follow?

28 A. Well, they come to Triple Island and pick  
29 up at Triple Island.

30 Q. So, on Exhibit 124, the route followed by





1 a ship coming from Vancouver to Kitimat is indicated in  
2 blue, and a ship coming from sea to Kitimat is indicated  
3 in red.

4 What would be the distance steamed to  
5 Kitimat?

6 A. 132 miles.

7 Q. From McInnes Island, if I recall correctly,  
8 it is 120 miles; is that correct?

9 A. Yes.

10 Q. Now, to complete this evidence, Captain,  
11 if your ship is coming from one of the Gulf ports to  
12 Prince Rupert, what route would you follow?

13 THE CHAIRMAN: Put it in in pencil.

14 A. Coming from one of the Gulf ports?

15 Q. To Prince Rupert. Would you indicate this  
16 route in black on the chart, please?

17 A. If they prefer to go up inside, they go up  
18 inside.

19 Q. Who decides whether the ship goes inside  
20 or outside?

21 A. Well, I guess it is decided between the  
22 masters and the agents. We know before we get to the ship  
23 whether she is going inside or outside.

24 Q. Would you indicate in black both routes,  
25 the inside and outside ones?

26 COMMISSIONER SMITH: Mr. Jacques, I wonder,  
27 while he is going along, if he could name some landmarks  
28 there.

29 THE WITNESS: Well, we go across past Pine  
30 Island, Egg Island, Fitzhugh Sound to Lama Passage,







1 through Lama Passage past New Bella Bella, out Seaforth  
2 Channel to Ivory Island, across Milbanke Sound and back  
3 this way past Boat Bluff and up Graham Reach, Fraser Reach, and  
4 you can go up this other way to Whale Channel where you  
5 join up with ---

6 Q. If I may stop you there. So we are at  
7 the junction of Whale Channel and McKay Reach and Gren-  
8 ville Channel?

9 A. Yes.

10 Q. And this route is indicated with a black  
11 line? Now, would you follow the same route as indicated  
12 with a black line, whether you are taking a ship up to  
13 Kitimat or Prince Rupert? Would that be a junction point  
14 there?

15 A. Well, if you are going to Prince Rupert  
16 you would carry on in the channel.

17 Q. You would follow in reverse the red line  
18 indicated from Triple Island to Kitimat, and if you were  
19 going to Kitimat, you would go up the Douglas Channel?

20 A. Yes.

21 Q. Going to Kitimat you could follow another  
22 route, which might be shorter. Would you care to mark  
23 this route with a black mark also?

24 A. Yes, there is very little difference in  
25 the distance.

26 Q. Which route is more frequently used?  
27 Douglas Channel - and what do you call this second route  
28 here?

29 A. It is Devastation Channel.

30 Q. Which is more frequently used, Douglas





1 Channel or Devastation Channel?

2 A. Douglas Channel.

3 Q. Is Devastation Channel limited to vessels  
4 of certain depth or speed?

5 A. Oh, no. There is just as much depth of  
6 water there as there is in the other one. It is just that  
7 it is not as nice a channel to go through. It is not as  
8 well defined a channel, and I think this is more the  
9 regular route.

10 Q. So Devastation Channel might be more  
11 dangerous, and more intricate?

12 A. It is a little bit.

13 Q. Now, if you were to come up from one of  
14 the Gulf ports outside, which route would you follow?  
15 Would you indicate it on Exhibit 124, with a broken red  
16 line?

17 A. Where are you bound for?

18 Q. Kitimat.

19 (Witness complies)

20 Q. Now, would this broken red line be in  
21 pilotage waters? Would you be actually piloting the ship  
22 when you come up from Cape Scott to McInnes Island?

23 A. Mostly no, but many masters call us going  
24 through Scott Islands.

25 COMMISSIONER SMITH: How far off would you be  
26 from McInnes Island?

27 THE WITNESS: Three miles off.

28 Q. So you would not be actually piloting the  
29 ship from Cape Scott to McInnes Island?

30 A. No, except that on occasion a master will





1 call a pilot when making Scott Channel, just to make sure  
2 he is safe there. If the weather is good they generally  
3 carry on.

4 Q. Now, on all these trips from Gulf ports,  
5 either from Prince Rupert or Kitimat ---

6 A. I might say, in regard to that, though,  
7 that we have had masters who have asked the pilots to stay  
8 with them all the way down the coast.

9 Q. Is that a frequent occurrence?

10 A. Not very frequent.

11 MR. LANGLOIS: Who sets the course from Cape  
12 Scott to McInnes Island?

13 THE WITNESS: Oh, I think the master generally  
14 sets the courses as long as he has got charts at all. If  
15 he hasn't got proper charts we have the courses in our  
16 books.

17 Q. But these trips from Gulf ports to Prince  
18 Rupert and Kitimat ---

19 A. From Gulf ports inside to Kitimat?

20 Q. Inside to Kitimat.

21 A. Yes.

22 Q. You always have two pilots?

23 A. Yes.

24 Q. Now, from the Gulf ports outside to Kiti-  
25 mat or Prince Rupert, would you have one or two pilots?

26 A. Mostly two pilots. We have occasions that  
27 the ship goes up with one pilot.

28 Q. From sea to Kitimat would you have one or  
29 two pilots?

30 A. Mostly two pilots.







1 Q. And from sea to Prince Rupert would you  
2 have one or two pilots?

3 A. From sea to Prince Rupert we would have  
4 one pilot.

5 COMMISSIONER SMITH: The reason, as I under-  
6 stand it, Captain, is the length of time that it takes to  
7 make those different routes, whether you have one pilot  
8 or two pilots?

9 THE WITNESS: Well, yes, we know, and it has  
10 been argued, that a ship can make that run in 8 hours, or  
11 10 hours, but through experience we know that lots of  
12 times even the fast ships take longer than they expect to,  
13 and that is the reason, so that the pilot won't be tired  
14 out on the job. We say that we recommend two pilots.

15 Q. Now, sir, I show you Douglas Channel  
16 chart, Exhibit 125, and I am sorry, there is a course  
17 plotted on this chart, but we didn't do it. We don't know  
18 where it comes from.

19 However, would you glance at this course, and  
20 tell me if it is a course indicated by a black line  
21 starting from Hartley Bay right up to Kitimat, which is  
22 the course usually followed by vessels?

23 A. It is.

24 Q. Would you point out on this chart the  
25 major navigational difficulties encountered from Hartley  
26 Point to Kitimat?

27 A. The major navigational problem in any of  
28 these channels is the weather.

29 Q. What sort of weather?

30 A. Well, it depends on what weather you get.





1 You are liable to get any kind of weather, you are liable  
2 to get fog, you are liable to get snow, you are liable to  
3 get rain, you are liable to get misty rain, you are liable  
4 to get sleet.

5 Q. Is that throughout the year, sir?

6 A. Different times - in the summertime you  
7 get fog, and in the wintertime you get rain, and fog, and  
8 misty rain. You can also go up there and have a beautiful  
9 summer's day.

10 Q. Roughly speaking, what would be the percen-  
11 tage of days where weather would impede navigation in  
12 Douglas Channel?

13 A. It does not impede it very much, because  
14 the pilots keep on going as a rule.

15 Q. Has it ever happened that you had to - I  
16 won't say anchor or heave to, I will leave you the choice -  
17 but to stop owing to weather in Douglas Channel?

18 A. Well, myself, I haven't had to stop in  
19 Douglas Channel. I have slowed down in weather below this,  
20 down around on the way down to McInnes Island, but up in  
21 here, myself, I haven't had to. But sometimes we slow  
22 down to arrive at the port at a certain time. We slow  
23 down for that. At other times there is a ship in port,  
24 and the vessel goes to anchorage.

25 Q. I see you just mentioned an anchorage.  
26 Would you indicate this anchorage by a large red circle  
27 on Exhibit 125?

28 (Witness complies)

29 Q. Do you know beforehand the weather you  
30 will have going up Douglas Channel?







1 A. The weather?

2 Q. Yes.

3 A. No, not necessarily. It changes quickly.  
4 Depending on the time of year, you know what you are  
5 liable to expect, but you don't know what you are going  
6 to get.

7 Q. Would the weather forecast be adequate  
8 for your purposes?

9 A. No, the weather forecasts for these is  
10 not too accurate.

11 Q. Apart from this navigational danger, are  
12 there any others which you would care to indicate to the  
13 Commission going up Douglas Channel?

14 A. There is a danger unless you know it. If  
15 you know it there is no danger.

16 Q. Now, sir, I will show you Exhibit 126,  
17 which is a plan of Kitimat. Would you first indicate on  
18 this plan the anchorage ground for Kitimat?

19 A. The anchorage ground for Kitimat?

20 Q. Do you anchor when you go to Kitimat?

21 A. Not as a rule. You can anchor off here,  
22 but it is only ---

23 Q. Where you say "off here," would you place  
24 a large red circle?

25 (Witness complies)

26 Q. But normally you do not anchor? You go  
27 alongside right away?

28 A. Emelia Anchorage is not too good, and nor  
29 is this too good.

30 COMMISSIONER SMITH: Is that a sort of a





1 turning basin there?

2 THE WITNESS: No, this is outside the flats.  
3 I might say that I have never anchored a ship there. The  
4 only times that I have had to wait it has been a matter  
5 of three or four hours, and what we did was steam around  
6 in the bay until the ship got out.

7 Q. Would you describe to the Commission the  
8 manoeuvres you would do to come alongside in Kitimat?  
9 Would you turn your ship around, and have her bow pointing  
10 out ready to leave, or would you bring her in bow in and  
11 stern out?

12 A. Well, I can only talk for myself. As a  
13 matter of fact, I, at one time, put a ship in there, and  
14 put her port side to. That is, I steamed right into the  
15 anchorage and didn't turn around, and the foreman, or  
16 superintendent up there got quite mad at me, and asked me  
17 why I didn't turn the ship around. But I explained to  
18 the captain, and he said he didn't want her turned around,  
19 so I docked her port side to. But previous to this  
20 apparently the superintendent, or somebody, asked the  
21 ships to turn around there.

22 Q. But is this the rule, that you turn a  
23 ship around?

24 A. There is no rule in docking a ship as far  
25 as I am concerned. If the superintendent, or anybody,  
26 sets a rule for me how to dock a ship, I dock it the same  
27 way as I want to.

28 COMMISSIONER SMITH: What is customary there?

29 Q. Do ships usually dock with their bows in-  
30 side, or their bows outside?





1           A.   Well, I was going to try to explain that  
2 the Saguenay Terminals apparently used to want these ships  
3 turned around. I think one of the reasons was not to have  
4 to have the tug standing by going out, but anyhow, what-  
5 ever it was, they asked the pilots to turn them around.  
6 Some of the pilots would turn them around and some of them  
7 wouldn't. The ships are getting longer now, and in my own  
8 opinion it is not a very good thing to turn them around.

9           Q.   Are they being turned around now?

10          A.   I don't think they are. I think most of  
11 them go in head on.

12          Q.   Would you indicate with a red letter D  
13 the dock on which you dock the vessels?

14               (Witness complies)

15          Q.   Now, if you were to turn a vessel around,  
16 would you indicate, by the letter X in red, the place  
17 where you would turn a ship around on Exhibit 126?

18          A.   Well, you would have to turn her just at  
19 the outside corner of the dock here, and try to get her  
20 stern in to here.

21          Q.   And to turn the ship around do you  
22 manoeuvre with tugs, or merely on your anchor?

23          A.   Well, now, or the last time I was there,  
24 they had a little better tug that they built. They used  
25 to have a fish boat or sailing boat type of tug there.  
26 It was not very satisfactory, and that manoeuvre there,  
27 after they brought the ship up the channel, that manoeuvre  
28 there sometimes took two or three hours to get the ship  
29 turned.

30          Q.   Now they have arranged for a larger tug?







1 A. Now it is a little bit better, but it  
2 still takes quite a time. I have not turned any lately.

3 Q. But if you were to turn one, would you  
4 turn on your anchor with the help of the tug, or without  
5 the anchor?

6 A. No, not necessarily the anchor. You see,  
7 you haven't got room to manoeuvre with your anchor. You  
8 would get a line to the dock and pull on your bows here.

9 Q. You place a line on the dock to turn the  
10 vessel. Is that it?

11 A. Well, it depends on the vessel, but it  
12 could be done that way.

13 Q. Now, for the sake of the record, would you  
14 describe the last time you did it how you did it?

15 A. How I turned around?

16 Q. Yes, and giving also the size of the ship,  
17 approximately, of course.

18 A. Well, I came in to make a port landing.  
19 I came into the berth there, and then I got them to run a  
20 headline back towards the stern of the vessel. First, I  
21 broke her off as far as I could. I broke her stern off  
22 as far as I could.

23 Q. When you say "broke her stern off," would  
24 you explain how this manoeuvre is done, please?

25 I am sorry, sir, but these gentlemen are laymen,  
26 and they need a full explanation.

27 A. I will use a pencil as the ship. When  
28 the ship is alongside the dock port side to you run the  
29 headline back as far as you can get it, even back to the  
30 corner of the dock, according to the length of the line.





1 Then you break the stern off the dock in this fashion.

2 Q. You indicate with the pencil that the  
3 stern of the ship would move away from the dock, whilst  
4 the bow would remain alongside the dock?

5 A. Yes.

6 Q. How would you do that manoeuvre, sir?

7 A. By putting the helm hard over, and just  
8 going slow astern.

9 Q. The helm hard over to port?

10 A. Yes.

11 Q. And the stern of your vessel would swing  
12 out?

13 A. Yes, away from the dock.

14 Q. And then?

15 A. Then, when you get her out in a position  
16 about as much as you can, 45 degrees if you can, then you  
17 back her away from the dock a little bit and heave on this  
18 line, which swings the bow this way, and the stern  
19 naturally goes that way.

20 Q. And when you say heave on the line, that  
21 is the headline which is run from the bow of the ship  
22 towards the stern of the ship, and you heave on it, and  
23 that brings the ship around?

24 A. Yes, but in that manoeuvre you have got to  
25 be very careful that the bow of the ship does not scrape  
26 along the dock, and that is more or less one reason why I  
27 refuse to turn the ships there, because as soon as you  
28 damage the dock there the ship is presented with a bill  
29 for damage to the dock.

30 Q. Is turning this ship around to prevent







1 expense when the ship is leaving afterwards?

2 A. Well, you have now been to the trouble of  
3 getting your ship around, so you have less trouble going  
4 out.

5 Q. If you didn't turn your ship around, you  
6 would have to back out, or you would have to turn around  
7 before entering the channel?

8 A. The way I do it in backing out is the same  
9 thing. If the ship is alongside the dock port side to,  
10 and I want to back her out of there ---

11 Q. Back out into the channel and along the  
12 line which indicates the range lights there?

13 A. So, all right. You break her off the  
14 same as you did for turning her around, only not quite so  
15 far. A ship, when you go astern, actually backs to port,  
16 so instead of having her back to port you put the tug on  
17 the bow and tell the tug to push on the bow, not too hard,  
18 to turn her right away, but just to steer her so that you  
19 can back her out that channel, and once you get outside  
20 you turn her.

21 Q. So we will break off this line of ques-  
22 tioning here, and I would like you to explain to the  
23 Commission this business. You said that when you back  
24 the ship she turns to port. Would you indicate roughly  
25 to the Commission how this comes about?

26 A. It is on account of the pitch of the  
27 propeller. It creates a force that sets the stern over  
28 to port.

29 Q. A transverse force, which brings the ship  
30 over to port?





1 A. Yes.

2 Q. And to counteract this force you would use  
3 a tug on the bow to steer it?

4 A. Yes, if you have a tugboat.

5 Q. And to make sure of this manoeuvre,  
6 turning around off the dock you say takes approximately  
7 two hours. Is that correct, the turning around manoeuvre?

8 A. Oh, I said it could take two hours. You  
9 could get alongside faster than that, but it has on occa-  
10 sion taken two hours, and sometimes more.

11 Q. But normally how long would it take?

12 A. It all depends on the tide, the wind  
13 conditions. You can't set any time.

14 Q. Now, you mentioned tide and wind conditions.  
15 What are the prevailing winds in Kitimat?

16 A. Well, they blow up and down the channel,  
17 north and south.

18 Q. It means up and down the dock, parallel  
19 to the dock; is that it?

20 A. Sometimes, and sometimes it sets a little  
21 bit on the dock one way or the other. Not directly in  
22 line with the dock, but it is more or less up and down  
23 this way. It could be this way. It could be coming down  
24 this way, too.

3 25 Q. You indicate, I would say, north-northeast,  
26 south-southwest, north-northeast. Would that be it?

27 A. Yes, a little bit to the east of north  
28 probably, and coming up the same way.

29 Q. What about tides? What is the range in  
30 Kitimat?





1 A. Oh, about 18 to 20 rise and fall.

2 Q. 18 to 20 feet?

3 A. Maybe, I think, probably about 16 to 18  
4 feet.

5 Q. And this would, of course, create a  
6 current which would affect the navigation of vessels,  
7 would it not?

8 A. Well, when you get up to the dock, the  
9 dredged channel up there, it has the tide setting across  
10 the channels, over the flats, coming out of the bay, so  
11 that affects you there, and also the tide coming up into  
12 it.

13 Q. Would you indicate with a red arrow the  
14 current which you would experience with an ebb tide, and  
15 with a blue arrow the current which you would experience  
16 with a flood tide, near the dock?

17 A. Well, these tides are not necessarily  
18 floods and ebbs. They are eddies, and back eddies, and  
19 stuff like that. With an ebb tide only you would expect  
20 to get a tide set more or less consistently.

21 Q. Would you indicate that by a red arrow,  
22 please?

23 (Witness complies)

24 Q. And for the flood a blue arrow, please.

25 (Witness complies)

26 Q. Now, sir, coming to Prince Rupert, would  
27 you indicate once again, in order that we have it on this  
28 chart, that is Exhibit 123, Chart 3735, the route which  
29 you would follow from Triple Island inside to Prince  
30 Rupert, or the nearest point to Triple Island, which is







1 shown on this chart?

2 A. Well, this chart only goes out to Lucy  
3 Island here. So we would figure a mile off Lucy Island,  
4 then we would head here right off the gap in the Kinahan  
5 Islands until you get to Petrel Rock buoy. Then out this  
6 way to Georgia Rock, and then in here between Barrett  
7 Rock and Spire Ledge. Then past Casey Point, and then  
8 you are entering into the harbour past Pillsbury Point,  
9 and then the grain elevator is right past Pillsbury Point,  
10 and the lumber dock is further up the harbour, where the  
11 old dry dock used to be. Then the log loading dolphins  
12 are up past Tuck Inlet.

13 Q. Would you indicate this log loading place  
14 with a large blue circle on Exhibit 123, please?

15 (Witness complies)

16 Q. Sir, before we go on with Prince Rupert,  
17 I am afraid I have forgotten to deal with one point as  
18 regards Kitimat.

19 Have you any problems with dredging alongside  
20 the wharf at Kitimat? Is there sufficient water to accom-  
21 modate all shipping that you take there, whether it is  
22 high or low tide?

23 A. They used to have - I think it was  
24 dredged at 35 feet - but apparently it is filled in now.  
25 We had a letter from the Aluminum Company telling us - I  
26 think the last letter we had was 24 feet at the bar.

27 COMMISSIONER SMITH: What is the deepest  
28 draught ship that goes in there?

29 THE WITNESS: Around 30 to 31 feet.

30 COMMISSIONER SMITH: That would be the maximum?





1 THE WITNESS: Yes.

2 Q. Would you indicate the bar on Exhibit 126  
3 by a solid straight blue line, and at each end of the  
4 bar would you place the letters A and B?

5 (Witness complies)

6 A. I don't know where this silting is. I  
7 have never seen any. I will just go by what they said.  
8 I know they said this was silted up here, but I have never  
9 seen a graph of it.

10 Q. And you said the maximum draught you get  
11 there is 30 to 31 feet?

12 A. As a rule. You might get them deeper but  
13 most of our ships are anywheres from 27 to 30 feet.

14 Q. Would this silting impede navigation to a  
15 certain extent, or create further danger?

16 A. It delays you, because you can't go in  
17 there at low water with these ships. You have to have  
18 enough water under her before you go in, but this, I think,  
19 may be cured by dredging. They may be going to dredge  
20 there. We hope they are.

21 Q. Coming back to Prince Rupert Chart 3735,  
22 Exhibit 123, would you, using this chart and the route  
23 you have indicated in blue pencil, indicate to the  
24 Commission the main navigational difficulties and dangers  
25 which you would encounter from Lucy Island up to the log  
26 loading ground? Tide, currents, wind, weather, or reefs  
27 or shoals.

28 A. Well, you have weather there, and you have  
29 quite a number of outlying dangers, such as Petrel Rock  
30 here. Here is another  $5\frac{1}{2}$ -fathom patch here.







1 Q. You indicate a  $5\frac{1}{2}$ -fathom patch off Gull  
2 Rock, I believe?

3 A. All this shore to the northward, you have  
4 to avoid that shore to the northward.

5 Q. I see you indicate all the shore between  
6 Metlakatla Bay and Petrel Rock. Would you carry on,  
7 please, from Petrel Rock?

8 A. Past Falcon Rock and Georgia Rock to the  
9 northward, and the rocks off the Kinahans to the south,  
10 and then on entering Prince Rupert Harbour you have got  
11 Barrett Rock, and you have also got the rocks to the port  
12 of you, Spire Ledge, Spire Rocks, and then on the way in  
13 you have to avoid the westerly shore of the channel, keep  
14 to the starboard side of the channel, and so on into the  
15 harbour. But once you get into the harbour it is fairly  
16 straight through.

17 Q. What about current coming in or tides?  
18 Would it set across the channel or along the main channel?

19 A. Coming in the channel there, in between  
20 Kaien Island and Digby Island there is quite a tide there.

21 Q. Is it setting across the channel?

22 A. It pretty well follows the channel out.

23 Q. This seems fairly narrow to me. I have a  
24 pair of dividers. You may perhaps give the Commission  
25 the approximate width of this channel, let's say off  
26 Barrett Rock right up to the entrance to Prince Rupert  
27 Harbour.

28 A. The narrowest place we have water in the  
29 channel - we have enough water for these ships to travel  
30 in - is just a little over two cables, or a quarter of a





1 mile.

2 Q. A quarter of a mile wide. That would be  
3 the narrowest point you would encounter in that run?

4 A. No, it is not the narrowest. Off Casey  
5 Point there it is a little narrower; it is just about two  
6 cables.

7 Q. And a cable is 600 feet?

8 A. Yes - 1,200 feet.

9 Q. And since inside Prince Rupert you  
10 mentioned was straightforward navigation, we will put  
11 this chart away.

12 Thank you. Your witness, Mr. Bird.

13 MR. BIRD: Thank you. Perhaps I could have  
14 Exhibit 124.

15

16 CROSS-EXAMINATION BY MR. BIRD:

17 Q. Now, Captain Gosse, I think you have told  
18 Mr. Jacques that if the pilot or if the master or anybody  
19 had a reasonable knowledge of this area - by the area I  
20 mean from McInnes Island - of the configuration of the  
21 channel, the navigational hazards which he would have  
22 to meet would present no real problem to him. Is that a  
23 fair statement?

24 A. I don't remember saying about the master.  
25 I said if the pilot - well, if anybody had knowledge of it.  
26 Did I say fair knowledge? I said if he knew the channel.

27 Q. There are sufficient navigational aids  
28 there now, are there not? Would you say there should be  
29 any more than there already is?

30 A. I would say what they have got there now





1 is satisfactory, for the time being, at least.

2 Q. And I gathered that the effect of your  
3 testimony was that the main hazard was weather; is that  
4 right?

5 A. If you know the channels, then weather is  
6 probably the deciding factor.

7 Q. From McInnes Island this 120-mile stretch  
8 is fairly straight, isn't it?

9 A. It isn't straight.

10 Q. Well, from McInnes Island - your pilotage  
11 starts at McInnes Island, doesn't it?

12 A. I will answer you in this way. You could  
13 say it is straight to a coasting man, but to an ocean-going  
14 man it is certainly anything but straight.

15 Q. You start piloting at McInnes Island?

16 A. Yes.

17 Q. And your first leg goes what?

18 A. Goes from McInnes Island, you can make a  
19 straight course, you could set a straight course all the  
20 way through here, providing you don't get set to one side  
21 or the other.

22 Q. It is pretty well a straight course from  
23 McInnes Island to the bottom end of Laredo Channel?

24 A. It is not a straight course. You have got  
25 the tides there, and you have wind and everything to  
26 contend with, and steering. You could put a straight  
27 line there, but whether you could steer it is another  
28 question.

29 Q. Don't you find that you generally make  
30 that course good?







1 A. Yes. But if the pilot isn't making it  
2 good he has to alter it.

3 Q. Oh, yes, but that happens every day?

4 A. It may happen many times a day. But you  
5 have to have the knowledge to know when to alter. You  
6 can draw a straight line on a chart, but that doesn't  
7 say you are going to get there.

8 Q. How far is that before you would turn to  
9 go up Laredo Channel? About 22 miles?

10 A. Yes, 22 miles.

11 Q. Roughly 22 miles?

12 A. Yes.

13 Q. Going up Laredo Channel are the shallow  
14 patches and any rocks there well-marked with buoys?

15 A. Well, they are well-marked. They have an  
16 unwatched light on them.

17 Q. Does that leg present any difficulty to a  
18 pilot up Laredo Channel?

19 A. In the good clear weather it doesn't  
20 present too much difficulty, but in bad weather it presents  
21 plenty.

22 Q. What do you mean by bad weather? Fog?

23 A. Fog, or mist.

24 Q. Would you say those buoys marked the  
25 shallow patches well or the rocks well?

26 A. Well, they are there, but they don't cover  
27 the whole rock or the whole shoal.

28 Q. With radar you don't have difficulty in  
29 picking up the buoys?

30 A. With some radar you pick them up, with





1 some you don't.

2 Q. Are you suggesting that the buoys that  
3 are in position in Laredo Channel will not normally show  
4 if the set is in a properly operating condition?

5 A. Well, modern-type radars are very good;  
6 but the last ship I had up to Kitimat had no radar at all,  
7 or a gyrocompass.

8 Q. The last time you were up, when was that?

9 A. It was a year or so ago.

10 Q. About when, if you can recall?

11 A. Well, I can't recall.

12 Q. Was it five years ago or two years ago -  
13 your best recollection?

14 A. We have the same type of ship ---

15 Q. Can you answer that question, please?

16 A. I don't remember when it was. I could  
17 get you the name of the ship because she brought in pitch,  
18 she was a pitch ship and a Finnish ship. The Saguenay  
19 ships now are fitted with good radar, but when they first  
20 opened up they didn't have radar; they had this little  
21 radar which you couldn't pick up anything on.

22 Q. Have you brought a ship up there in 1962,  
23 to Kitimat?

24 A. Not to Kitimat, no.

25 Q. Have you brought a ship up in 1961, accor-  
26 ding to your best recollection?

27 A. Yes.

28 Q. Was that ship which you brought up in 1961  
29 well-equipped so far as radar was concerned?

30 A. Yes, she is a good ship.







1 Q. Would it be fair to say that since 1961,  
2 in any event, all ships going to Kitimat are well-equipped  
3 with radar, in your experience?

4 A. Well, I wouldn't say all of them, because  
5 there are some of these little pitch ships - I don't know  
6 if they still have them running up there -- they used to  
7 have them running up there and some of them were not well-  
8 equipped.

9 Q. With modern radar equipment would you  
10 agree that these buoys in this area, Laredo Channel,  
11 provided they are in properly operating and good condition,  
12 could easily be picked up?

13 A. It is all right to pick up a thing if you  
14 know what it is, but if you have never seen it before and  
15 you pick it up, you might not know what it is. If a  
16 stranger came in here and he has got radar and he doesn't  
17 know this channel, I would say you are quite wrong.

18 Q. That is not what I am trying to infer.  
19 However, I think you have answered my question.

20 I have got you up to the end of this island,  
21 and the next leg of about 12, 13 miles, no problems there?

22 A. The same problems you have below.

23 Q. Does this turn south of Gil Island present  
24 any difficulties?

25 A. If you get there on a dark night with a  
26 misty rain, they all present difficulties.

27 Q. Continuing up Whale Channel.

28 A. It gets a little better. But they all  
29 have their difficulties; in bad weather they all have  
30 their difficulties. Any time you get inside a narrow





1 channel you will have difficulty in navigation, you are  
2 going to have to be very much on your toes to keep out of  
3 trouble.

4 Q. Supposing a master of a ship had been into  
5 Kitimat three or four times within, say, 18 months or two  
6 year, do you think that channel would present any major  
7 difficulty for such a man?

8 A. My answer is that any master who has been  
9 in there three or four times or six times, 90% of the time  
10 he is in his bed or down in his room; he is not on the  
11 bridge learning the channel. So how is he going to know  
12 it?

13 Q. I am asking you to assume that he is on  
14 the bridge.

15 A. But he is not there.

16 Q. Your experience is that he is not on the  
17 bridge?

18 A. Not from McInnes Island. He will come up  
19 when he is called. As a matter of fact, I think any  
20 master who is on that run, if you ask him to stay up there  
21 he asks you, "What do you think I employ a pilot for?"

22 Q. Let's get back to the pilots. Are you  
23 able to tell the Commission approximately how many times  
24 one of the 66 pilots that you have would make a voyage to  
25 Kitimat in a 12-month period?

26 A. It all depends how the turns go. The  
27 reason that I haven't been up there in the last year more  
28 than I should is that I have been trying to get things  
29 straightened out as far as administration is concerned  
30 and get material for this inquiry.





1 Q. I wasn't referring to you.

2 A. It doesn't matter who you refer to.

3 Q. If you would answer my question. I think  
4 it would be of interest to the Commission to have your  
5 view as to how often each one of these pilots in a 12-month  
6 period goes to Kitimat.

7 THE CHAIRMAN: We are going to have that, and  
8 it is going to be an average. Of course, one pilot may  
9 be more than one time there and another may not have been  
10 there.

11 MR. BIRD: Yes, my lord. What I was attempting  
12 to show was how often in the period each pilot would go to  
13 Kitimat or whether in some cases a pilot had never been to  
14 Kitimat.

15 THE CHAIRMAN: If a turn doesn't show up for  
16 them to go there, they might not go there.

17 Q. Are you aware of any of the 66 pilots who  
18 have not been to Kitimat during, say, the last four or  
19 five years?

20 A. No. As a matter of fact, even in examina-  
21 tion of pilots we ask them if they have never been to Kiti-  
22 mat, and, if so, we see that they get there before too  
23 long. So I don't think any of the 66 have never been to  
24 Kitimat. I don't know that.

25 Q. Some have not?

26 A. Oh, yes, in the last year.

27 Q. In the last two years?

28 A. Well, could be.

29 Q. Perhaps in the last three years?

30 A. Well, I wouldn't go so far as to say that.







1 I don't think it would go more than three years. It  
2 doesn't matter. The route doesn't change. If you know it  
3 thoroughly, it doesn't change.

4 Q. Masters of ships that are taking their  
5 vessels in, say, once or twice a year to Kitimat, maybe  
6 they are there more often than some of your pilots?

7 A. Oh, they are down in their beds. They are  
8 not on the bridge. How the hell can they learn the  
9 channel when they are in their bed. If you were the  
10 master of a ship and you employed a pilot, where would you  
11 be?

12 THE CHAIRMAN: We would appreciate it if you  
13 would answer the question of Mr. Bird.

14 Supposing someone was doing the unusual and  
15 they stayed on the bridge, would that give them experience?

16 THE WITNESS: Oh, yes.

17 MR. LANGLOIS: I suggest that the Supervisor  
18 of Pilots would be the best person to answer the question.

19 THE CHAIRMAN: Let's suppose that this man is  
20 a very keen man and he likes to know the channel and he  
21 has made a few trips there and he is still on the deck,  
22 what experience would be gained by that?

23 THE WITNESS: I am not saying a man couldn't  
24 learn the channel by staying up with the pilot. If he  
25 made two or three trips in there he would learn it, yes.  
26 But it is not fair for the master to do it. He has to  
27 bring his ship in to McInnes Island. Is he going to have  
28 to stay up for another twelve hours? They have a chance  
29 to rest, which they should have.

30 THE CHAIRMAN: Now, as to your question as to





1 how many times each pilot was there in the last three or  
2 four years, if you think that question is relevant and  
3 very important, you could have that information from the  
4 records.

5 MR. BIRD: Yes, my lord, I think it may be of  
6 some significance.

7 MR. JACQUES: I have already arranged for that.

8 Q. Now, Captain Gosse, we are agreed, I am  
9 sure, that the speed of ships proceeding to Kitimat since  
10 1953 has increased from the 10-knot type of ship to about  
11  $13\frac{1}{2}$ , 14-knot average today?

12 A. Some of them, yes.

13 Q. We have some 20-knot ships going up there,  
14 too?

15 A. American Mail Line ships, yes.

16 Q. And a number of 15 to 18-knot ships?

17 A. 15 to 18?

18 Q. Yes.

19 A. Yes, could be.

20 Q. Perhaps I'd better deal with this question  
21 to complete this navigational side.

22 Have you had occasion to anchor at Kitimat or  
23 down the arm?

24 A. No, I have never had occasion to anchor at  
25 Kitimat. The only thing I had was we had to wait for  
26 about four hours for a ship to get out of there. We  
27 waited in the channel off the Indian village there.

28 Q. And that is what you meant when you said  
29 you had to slow down on your approach to Kitimat to waste  
30 time?







1 A. Yes.

2 Q. It might be because of tide, it might be  
3 because the berth was occupied?

4 A. On this particular occasion the berth was  
5 occupied.

6 Q. You have said, on page 39, paragraph 6  
7 of your brief that: "There is no satisfactory anchorage  
8 at the head of Kitimat Arm..." By the head of Kitimat  
9 Arm are you referring to up near the dock?

10 A. The flats off the dock.

11 Q. Have ships anchored there before?

12 A. Yes.

13 Q. Without accident?

14 A. The first ship which anchored off there  
15 was last week. But we don't recommend it as an anchorage,  
16 and the pilot, before he left that ship, had the master  
17 sign on the back of his card relieving him of any respon-  
18 sibility.

19 Q. And didn't a ship lie up there for the  
20 Christmas period for five or six days?

21 A. I don't know about the ship.

22 Q. We will hear more about that later.

23 The other anchorage which is in Douglas Channel  
24 at the entrance to Miskata Inlet, perhaps you might mark  
25 that on the other chart. With your red pencil you might  
26 mark - oh, I see, it is marked.

27 A. Yes. That is Emelia Anchorage.

28 Q. Miskata anchorage is where?

29 A. There is another anchorage that some have  
30 been into.





1 Q. Before we get away from that and so that  
2 I understand correctly what you are referring to when you  
3 say, on page 39, paragraph 6 of your brief, that "There is  
4 no satisfactory anchorage at the head of Kitimat Arm as it  
5 is exposed, and the depths are too great. Anchorage for  
6 two ships may be obtained in Douglas Channel, at the  
7 entrance to Miskata Inlet, 21 miles from Kitimat," I am  
8 referring you to page 39 of your brief, where you refer to  
9 the anchorage for two ships obtainable in Douglas Channel  
10 at the entrance to Miskata Inlet. Would that be Emelia  
11 Anchorage you have marked?

12 A. Yes.

13 Q. Would you circle the one which is  
14 northerly from the other anchorage in red on Exhibit 125?

15 A. Yes.

16 Q. Now, has any accident or damage been  
17 occasioned to vessels anchoring in either of those two  
18 places marked on Exhibit 125?

19 A. No. But most of the ships that have  
20 anchored in those places have kept the pilot standing by.

21 Q. Is there anything in those two anchorages  
22 which leads you to believe they are not safe?

23 A. We don't recommend an anchorage, we don't  
24 tell the captain he is in a safe anchorage. We tell him  
25 he has to be careful; if the wind comes up he is liable  
26 to drag and end up on the rocks. We don't tell him he is  
27 in a safe sea anchorage. As a matter of fact, we tell him  
28 he is in an unsafe anchorage under certain conditions.

29 Q. Would you tell us when a ship can drag?

30 A. It depends how much you drag.





1 Q. How much room have you got there?

2 A. About half a circle.

3 Q. That is a fair amount of room, would you  
4 say?

5 A. No.

6 Q. What about depth of water there?

7 A. It is fairly deep.

8 Q. How does that compare with the depth at  
9 the head of Kitimat Arm?

10 A. At Kitimat Arm you are anchoring on flats.  
11 If the ship blows off, if she blows inside, then she will  
12 be ashore.

13 Q. At Emelia, what is the depth?

14 A. You have 21 fathoms.

15 Q. Would you have much complaint about depth  
16 of water there?

17 A. No, that is good water there, providing  
18 it is holding.

19 Q. It is mud there?

20 A. Well, we presume it is mud. How much mud  
21 is on the rocks we don't know.

22 THE CHAIRMAN: Before you go any further, Mr.  
23 Bird, we are adjourning for a few minutes.

24

25 --- Short Recess

26

W 27 Q. Captain Gosse, before we leave the navi-  
28 gational aspects of the approaches to Kitimat, I would  
29 like to deal with the inside passage.

30 I think you mentioned that in some cases agents,







1 or masters, wish to proceed from the south via the inside  
2 passage?

3 A. Yes.

4 Q. What reasons are given, and who makes the  
5 decision?

6 A. Well, when we are despatched to a job  
7 they usually tell us the ship is going to go up inside or  
8 outside. The decision is probably made, I guess, by the  
9 agent with discussion with the master, whether he would  
10 go up inside, or maybe the company who owns the ship. I  
11 don't know.

12 Q. Do the pilots recommend one or the other?

13 A. We recommend that a ship going up the  
14 inside passage with two pilots, that there is not much  
15 danger as it is sometimes quite a saving in time and in  
16 mileage, and we recommend that it is quite a safe passage  
17 with two pilots.

18 Q. Do you prefer one to the other?

19 A. We also, though - we also say this: that  
20 radar-equipped ships - that there should not be too much  
21 loss of time either. If they have a good radar going up  
22 the inside passage even the weather does not delay us too  
23 much.

24 Q. It is slightly shorter, isn't it?

25 A. It is shorter. It depends, of course,  
26 where you are coming from.

27 Q. With two pilots the revenue earned by the  
28 pilots is greater by the inside passage, is it not?

29 A. Yes, it would be.

30 Q. Because from Cape Beale to McInnes Island,





1 both pilots are on detention, so to speak?

2 A. That is right.

3 Q. Now, with respect to berthing at Kitimat,  
4 who makes the decision as to whether the ship shall be  
5 turned when she is inward bound, or whether she will turn  
6 after loading or discharging?

7 A. Well, that is a thing that is pretty hard  
8 to say. The only thing I can tell you there is that if I  
9 were the pilot on the ship, and unless the master has  
10 instructions that in order to discharge the ship they  
11 have to have her starboard side to, if I recommend to the  
12 captain that in my opinion it is better to go in port side  
13 to, and if he says, "All right, pilot, that is the way we  
14 will go," I would put her in that way. We have even had  
15 occasions when sometimes they will tell us they want you  
16 to turn around, but there again if the master says he does  
17 not want to turn around, then we put her in port side to.

18 Q. Isn't it generally the case that the  
19 master follows the wishes of the Aluminum Company in that  
20 respect?

21 A. Well, I guess the Saguenay chartered ships  
22 - anyway, that would be ---

23 Q. Well, any ship?

24 A. No, there are some other ships going in  
25 there, American ships, and the master says, "We are going  
26 to go in whatever way I think is best," and that is it.

27 Q. Well, there will be other evidence on that  
28 point.

29 Can you tell the Commission any ship of which  
30 you have knowledge, or any pilot who was instructed by the







1 master that they wanted to go in, say, port side to, and  
2 wouldn't go in starboard side to, notwithstanding instruc-  
3 tions from the company otherwise?

4 A. Well, the pilot on the ship is not in  
5 command of the ship. If the master wants to overrule him  
6 he can do so.

7 Q. Yes, but can you give the Commission any  
8 single instance in which the master of the ship refused to  
9 do what the company asked him to do, so far as berthing is  
10 concerned?

11 A. No, not to my knowledge.

12 Q. I am suggesting to you that the average  
13 length of time that it would take to turn a ship would be  
14 about 45 minutes to an hour. Would you disagree with that?

15 A. Well, just going by what the pilots tell  
16 me, one pilot told me it took him over three hours-and-a-  
17 half to turn a ship around.

18 Q. Oh, yes. I am not suggesting that there  
19 may not be some instances.

20 A. The average time?

21 Q. Yes.

22 A. Oh, yes, I would say that would be pretty  
23 fair.

24 Q. Forty-five minutes?

25 A. Yes.

26 Q. And when it takes longer it is due to wind  
27 conditions or pilotage conditions?

28 A. Yes, and it also, to turn her in 45 minutes  
29 you should have a better tug. The tug we had first you  
30 couldn't push her around in 45 minutes.





1 Q. But with the tug they have now you wouldn't  
2 say that that tug is not adequate for that purpose?

3 A. Yes, she is a better tug, but even with  
4 her there is times that a ship will get part way out and  
5 she can't budge her, because you are also forcing the  
6 water out of that little channel. You have got a buffer  
7 of water against you when you get part way round, then you  
8 have to squeeze that water out of there before you can get  
9 the ship into the dock.

10 Q. She is a 280-horsepower tug, is she not?

11 A. That is right. We have 600-horsepower  
12 tugs at Cates in Vancouver, and they still have a hard  
13 time pushing these ships around, too.

14 Q. Would you agree that it is easier to bring  
15 loaded ships up from McInnes Island than it is light ships?

16 A. It is easier?

17 Q. Yes.

18 A. No, I don't think it is too much easier.

19 Q. Well, aren't loaded ships less affected by  
20 wind than light ships?

21 A. Well, yes they are, but even a light ship  
22 steaming 16 knots, the wind is not going to affect it too  
23 much, and anyhow you can make allowance for that. You can  
24 say it is easier, but if you have got a loaded ship then  
25 you have got to watch any shoal spots more than you do  
26 with a light ship.

27 Q. Then would you say there is not much  
28 difficulty whether she is loaded or light so far as wind  
29 is concerned?

30 A. There is not much difficulty. It slows





1 the ship down. If the wind is not accompanied by rain or  
2 snow, or something, it does not make too much difference,  
3 except that you don't make the speed, or if it is behind  
4 you you might make better speed.

5 Q. You will recall in 1953 and 1954 certain  
6 correspondence between your Committee and Saguenay  
7 Shipping, or Saguenay Terminals, with respect to the time  
8 that pilots were required to be on duty. Do you remember  
9 that?

10 A. I think there was correspondence, yes.

11 Q. Now, prior to 1957, I think it was, the  
12 bylaw on extended duty read that two pilots should be  
13 employed when continuous pilotage duty in excess of 12  
14 hours was required. Do you recall that?

15 A. That is right.

16 Q. Do you remember when the bylaw was changed?  
17 Was it 1957, or 1956, 1957?

18 A. It could be, yes.

19 Q. Why was it necessary to reduce the period  
20 of continuous duty from 12 to 8 hours?

21 A. Well, the reason it was, as I remember the  
22 reason it was reduced was because at the meetings the  
23 pilots began to complain about this, so we had a vote on  
24 it, and they voted, or somebody made a motion, and the  
25 motion was to the effect that we should reduce these  
26 hours from 12 to 8.

27 Q. Up to 1957 only one pilot was used going  
28 into Kitimat; is that correct?

29 A. No, that is not so. Before that we used  
30 to use two pilots.







1 Q. And that was due to the slower vessels;  
2 is that right?

3 A. Yes, and - the slower vessels, I think, is  
4 quite right, yes.

5 Q. Because the 10-knot ships took slightly  
6 more than 12 hours on the average?

7 A. Oh, yes. Sometimes much more than 12  
8 hours.

9 Q. Yes, much more, because many of them were  
10 not fitted with modern radar equipment?

11 A. Well, partly that, but not altogether.

12 Q. In 1953 Mr. Unwin, who was then Chairman  
13 of the Pilots' Committee, wrote to Mr. Burke, and I will  
14 have this letter marked, my lord, and I have a copy for  
15 your lordship to follow.

16 I show you, Captain Gosse, a letter dated  
17 December 8th, 1953, from Mr. Frank E. Unwin, Chairman,  
18 Pilots' Committee, to Mr. J.J. Burke. It reads as  
19 follows:

20 "Dear Sir, it has been brought to our attention  
21 that the pilotage of vessels bound to and from  
22 Kitimat needs clarification. In view of this  
23 the following information is submitted.

24 "Bylaw No. 5, Section No. 10 of the Pilotage  
25 District of British Columbia reads as follows:

26 "Extended Duty

27 "'(10) Two pilots shall be employed when  
28 continuous pilotage duty in excess of 12 hours  
29 is required; in such a case the dues chargeable  
30 shall be one-and-one-half times the dues





1 prescribed for the services of a single pilot.'

2 "The 12 hours mentioned in this section, in  
3 addition to being a basis for dues chargeable,  
4 are considered to be the maximum length of  
5 duty a pilot should perform, especially in  
6 regard to the many dangers and adverse condi-  
7 tions experienced in these northern latitudes.

8 "Therefore, as it is impossible to foretell  
9 the hours of duty on the Kitimat run due to  
10 the above-mentioned conditions, and the unsatis-  
11 factory anchorages in the Douglas Arm, it is  
12 considered necessary that the present system of  
13 employing two pilots on this run shall be  
14 continued. At a later day, when all the aids  
15 to navigation in this area are complete, and  
16 there are faster ships on the run, we can  
17 review this matter."

18 Do you recall the circumstances which gave rise  
19 to that letter?

20 A. Yes, sir.

21 Q. When faster ships were put on the run, and  
22 when additional navigational aids were provided, and when  
23 most of the ships were equipped with radar, was any discus-  
24 sion had with respect to taking one pilot instead of two?

25 A. Yes, we reviewed the matter and took it up  
26 with the pilots, and their decision was that anything over  
27 8 hours, a ship over 8 hours in time, if the voyage was  
28 over 8 hours due to these same conditions that he has got  
29 down here, that the ship should employ two pilots. That  
30 was the review of the matter mentioned here.







1 Q. So didn't you find, as a result of your  
2 investigation amongst the pilots, that on the average,  
3 with these faster ships, radar and new aids to navigation,  
4 that the run was taking slightly over 8 hours?

5 A. No, it was more than that. I think it was  
6 over 9 or 10 hours, but that is just those ships that  
7 could absolutely pass Triple Island, and go right into  
8 their berth without any delay from weather or anything  
9 else.

10 Q. You mean McInnes Island?

11 A. McInnes Island right into Kitimat without  
12 any delay of any kind.

13 Q. And that was taking about 9 to 10 hours?

14 A. I should say so, yes.

15 Q. Well, at that time your continuous pilotage  
16 duty in excess of 12 hours required two pilots, didn't it?

17 A. Well, you see, we had to set something,  
18 and it was first set at 12, but it was not satisfactory to  
19 the pilots, so we tried to cut it down.

20 Q. Well, I suggest to you that when the  
21 pilots found that ships were getting in there in less than  
22 12 hours, that they found, for their own reasons, that it  
23 was necessary to reduce the period of 12 hours to 8 hours.  
24 Isn't that right?

25 A. The thing is that these pilots, the pilot  
26 standing 8 hours on the bridge of a ship, it is too long  
27 a period to stand up there.

28 Q. Eight hours is too long?

29 A. Certainly 8 hours is too long. Anybody  
30 who has got to stand on their feet, or even if there is a





1 chair, if you are on watch 8 hours, especially at night-  
2 time, it is too long. The officers of the ship stand  
3 only four hours.

4 Q. Are you suggesting that this 8-hour period  
5 that exists now is too long?

6 A. Eight hours is too long for any man to be  
7 on the bridge of a ship, especially in bad weather.

8 Q. Well, are you suggesting that this 8-hour  
9 period be decreased again?

10 A. No, but anything over 8 hours you have to  
11 have two pilots there, but there is no guarantee that the  
12 ship is going to take 8 hours. It is all right to turn  
13 around and say the ship does 21 knots and she is going to  
14 be in there in 7 or 8 hours, but it is another thing to  
15 get her in there in 7 or 8 hours sometimes. If the pilot  
16 says, "I have done my 8 hours, now somebody else must do  
17 it," then we are forcing 8 hours, but we are not forcing  
18 8 hours. But we have got to have a rested pilot there.  
19 You can't keep a pilot on watch 12 hours, and expect him  
20 to do the best job docking the ship after that period.

21 Q. Well, I am suggesting to you that the  
22 previous period of continuous duty of 12 hours was not  
23 excessive?

24 A. It was excessive, but that is what they  
25 accepted at that time, to try and further this thing along.  
26 They thought we will try 12 hours, and if that is too much  
27 we will cut it down.

28 Q. But your decision to change from 12 to 8  
29 hours was only made after you found ships could get in to  
30 Kitimat in less than 12 hours. Isn't that true?





1 A. No, it is not true, because a lot of the  
2 ships didn't get in in less than 12 hours. It was not a  
3 decision by me or the Committee, but by the pilot body,  
4 that this is too long a period for one man.

5 Q. In this letter of December 8th, 1953, it  
6 was said at the last sentence:

7 "At a later date, when all the aids to naviga-  
8 tion in this area are complete and there are  
9 faster ships on the run, we can review this  
10 matter."

11 Now, the matter referred to in there was the  
12 12-hour period, was it not, that pilots should be on  
13 continuous duty?

14 A. Well, they were going to review the whole  
15 matter. That is of whether it should be 12 hours, or  
16 whether it should be more, or whether it should be less,  
17 and on the review the pilots decided that it should be  
18 less. So if they decided, all the Committee can do is to  
19 try and get it into effect.

20 Q. Are you suggesting that in 1953 you were  
21 considering a lesser period than 12 hours?

22 A. Yes, sir. We didn't even think a pilot  
23 should be 8 hours on the bridge in bad weather. It is  
24 not good. If we are working with two pilots, we usually  
25 work either a four-hour watch, or else we work six-hour  
26 watches. If there are two pilots there we don't work 8  
27 hours each. It is 6 hours or 4 hours, or we split it up,  
28 whichever way we feel fit.

29

30







1 --- EXHIBIT NO. 128: Letter dated December 8th, 1953,  
2 from Frank E. Unwin to J.J. Burke.

3 Q. Now, this matter was again discussed  
4 apparently in June of 1954. This could perhaps be  
5 marked now, my lord. This is from the Superintendent of  
6 Pilots to Saguenay Terminals, and I will have it identi-  
7 fied by Mr. Burke when he is called.

8 Now, witness, if you would look at that letter,  
9 which I will read; it is dated June 28th, 1954, from  
10 Captain Eddy to Saguenay Terminals Limited, attention Mr.  
11 J.J. Burke:

12 "Dear Sirs, further to your letter of the 28th  
13 May, 1954, with reference to the matter of  
14 faster ships and summer conditions on the  
15 Kitimat run the Pilots' Committee has, after  
16 discussing this with the pilot body at a  
17 General Meeting, requested me to advise you  
18 as follows -

19 "They are in general agreement that in view of  
20 the faster ships now on the run one Pilot will  
21 be sufficient on vessels of  $13\frac{1}{2}$  knots speed and  
22 over during summer months.

23 "They consider that at all times on slower  
24 vessels and on all vessels during times other  
25 than summer months two Pilots are necessary to  
26 insure the safety of the vessels. They wish  
27 to emphasize that this advice is governed  
28 purely from a viewpoint of the ship's safety  
29 and the Pilot's health and not from any  
30





1           pecuniary motive. In fact, in the employment  
2           of two Pilots the extra Pilot at a half rate  
3           reduces the earning capacity of the body.

4           "They also state that they are willing to  
5           review this matter again when sufficient data  
6           has been collected from winter trips to allow  
7           a re-assessment of the situation. They  
8           consider summer months should be those in which  
9           daylight saving time is in force."

10          Now, were you familiar with that matter?

11          A.    Yes.

12          Q.    And at that time the period of continuous  
13          duty was still 12 hours, was it not?

14          A.    Pardon?

15          Q.    In 1954.

16          A.    I would have to find out when this change-  
17          over took place.

18          Q.    I think it was 1957.

19          A.    Yes, as far as that goes I remember this  
20          thing, yes.

21          Q.    So that even at that time, with the  
22          continuous period of 12 hours duty, the pilots were in  
23          general agreement that one pilot only would be required  
24          on vessels of  $13\frac{1}{2}$  knots speed and over during summer  
25          months. Do you agree with that?

26          A.    That is right, that is what they agreed at  
27          that time.

28          Q.    Now, was that put into effect?

29          A.    Yes, I think it was for some period of  
30          time, until they found out that these ships weren't all







1 going right to the berth, and there were delays in them.  
2 I don't know how long it was in effect. Probably when  
3 Captain Eddy is called on the stand he might be able to  
4 give you figures on this, but it was carried out.

5 Q. Well, I suggest to you, Captain Gosse, and  
6 please correct me if I am wrong, that only on one ship did  
7 the Pilots' Committee agree that only one pilot was  
8 required?

9 A. No, I don't agree with you there, because  
10 I think it was more than that.

11 Q. What is the situation today?

12 A. The situation today is that these ships  
13 going outside and coming in should employ two pilots.

14 Q. Yes, so that this view expressed in June  
15 28th, 1954, was never carried out, was it?

16 A. Which, this business here?

17 Q. Yes, that ships of  $13\frac{1}{2}$  knots speed and  
18 over, during summer months, would carry only one pilot.

19 A. Well, I think you will have to refer to  
20 the despatching, but as I understand it there was several  
21 occasions in quite a few occasions where we allowed the  
22 ship to go with one pilot.

23 Q. Did the Pilots' Committee ever take the  
24 position and enforce one pilot on ships going to Kitimat  
25 capable of  $13\frac{1}{2}$  knots speed and over during summer months  
26 since 1954?

27 A. Well ---

28 Q. Well, did they or didn't they, and then  
29 you can add anything you wish?

30 A. I don't know. I can't answer your





1 question, because I don't know.

2 Q. Well, let's come to 1962. During the year  
3 1962 have the Pilots' Committee ever advised the Department  
4 of Transport or the Aluminum Company, or Saguenay Shipping,  
5 that they would agree to one pilot being employed on ships  
6 going to Kitimat during the summer months?

7 A. No, I don't think so.

8 Q. Well, what do you say about that now?

9 A. Well, we say, in our brief, that they  
10 should employ two pilots, and they should also pay for two  
11 pilots.

12 Q. So that there has been a change of posi-  
13 tion since 1954 amongst the pilots?

14 A. There has been a change in conditions of  
15 practically all trades. Conditions are getting better in  
16 all trades.

17 Q. So that we can complete this exchange of  
18 correspondence, I show you ---

19 A. That is not signed by the pilots. It is  
20 signed by the Superintendent.

21 MR. LANGLOIS: I understand Captain Eddy will  
22 file this letter. Maybe he would be the best witness?

23 MR. JACQUES: If everybody insisted on being  
24 quite formal ---

25 MR. LANGLOIS: It is not a question of being  
26 quite formal. The captain is here, and he signed that  
27 letter.

28 MR. JACQUES: Mr. Langlois, may I remind you  
29 that you filed several documents, and in particular even  
30 one telegram that was not sent to the witness.





1 MR. LANGLOIS: Yes, it was. It was sent to the  
2 Pilots' Committee.

3 THE CHAIRMAN: Well, in any event, when Captain  
4 Eddy is called to the stand we will ask him, but right now  
5 it will be marked as Exhibit 129, under those reservations.

6  
7 --- EXHIBIT NO. 129: Letter dated June 28th, 1954, from  
8 F.N. Eddy to Saguenay Terminals  
9 Limited.

10 MR. BIRD: This is another from Captain Eddy,  
11 which may be filed, perhaps, under the same reservation?

12 THE CHAIRMAN: Under Exhibit 130.

13  
14 --- EXHIBIT NO. 130: Letter dated May 26th, 1954, from  
15 F.N. Eddy to Saguenay Terminals  
16 Limited.

17 MR. BIRD: A letter dated May 26th, 1954, from  
18 Captain Eddy to Saguenay Terminals Limited, attention Mr.  
19 J.J. Burke. It reads as follows:

20 "Dear Sirs: I have your letter of the 20th  
21 instant regarding the pilotage of the s.s.  
22 'Sun Karen' and note your statement that in  
23 view of the vessel's 14 knots speed one Pilot  
24 will be required.

25 "The matter of faster ships and summer condi-  
26 tions was to have been reviewed. As this has  
27 not yet been done the allocation of one Pilot  
28 to this vessel will be made but will not set a  
29 precedent until the matter has been discussed  
30 between yourselves and the Pilots' Committee."







1 Now, what further discussion was there between  
2 the Pilots' Committee and Saguenay Terminals?

3 THE WITNESS: Well, I don't remember any dis-  
4 cussions of the Committee with the Saguenay Terminals.  
5 They might have had meetings. I don't know.

dpw 6 Q. Well, are you not aware that Saguenay  
7 Terminals continued to persist in their efforts to obtain  
8 one pilot on the Kitimat run during summer months for  
9 vessels of about 14-knot speed?

10 A. Oh, yes, I don't doubt but what they have  
11 asked for this.

12 Q. Didn't the pilots continue to refuse?

13 A. Well, I guess they must have.

14 MR. LANGLOIS: My lord, it seems these letters  
15 are in reply to letters from Saguenay Terminals. Could  
16 I ask my learned friend if he would file the letters?

17 MR. BIRD: Oh, yes, certainly. I have not  
18 copies of the other letters at the moment, but I will  
19 endeavour to find them amongst our files.

20 Q. Captain Gosse, whilst these discussions  
21 were going on in 1954 and 1955 did the pilots keep any  
22 records as to the number of pilotage hours taken from  
23 McInnes Island to Kitimat in respect of ships which they  
24 piloted?

25 A. Well, several times - I don't know if  
26 there were any official records, but several times we  
27 have had correspondence, and some of the pilots would  
28 take out their diaries which we all carried to keep track  
29 of the ships and pointed out the number of hours they were  
30 on the bridge, the number of hours it took for the ship to





1 get from McInnes Island to Kitimat, and also out and in  
2 from there and also to Triple Island.

3 Q. Was the result of those records to show  
4 that the average time ships took during summer months to  
5 go from McInnes Island to Kitimat was about 9 hours?

6 A. No, I don't think the average was 9 hours.  
7 As a matter of fact, I don't know that they ever struck an  
8 average. But I don't know that the average was 9 hours.

9 Q. That was the object of keeping those  
10 records, was it not?

11 A. The only thing I know is that some fellows  
12 said they had made it in that time and they felt a little  
13 guilty about it, but others came along who took much  
14 longer. But 90% of the time you don't make it in that  
15 time. You get up and you come down from the hotel and  
16 the ship is probably not on time, so you are putting in  
17 hours over and above that.

18 Q. We are talking about hours piloting.

19 A. I don't care about that. The time is  
20 when a man is on assignment, and he can't sleep for  
21 half-an-hour before he goes on watch.

22 Q. What I would like to direct your attention  
23 to is the time taken by a vessel to get from a position  
24 abeam McInnes Island to Kitimat, the ship alongside with  
25 her lines made fast or finished with engines, or whatever  
26 you wish. That is the only thing I wish you to direct  
27 your mind to at the moment. I am asking you, did not the  
28 records obtained by the pilots themselves show that in  
29 1955, 1956, the time, on an average, was about 9 hours  
30 for that distance?







1 A. I must say that I don't know of it, and  
2 if it did it was not a true picture of the job.

3 Q. Did they keep a record, the pilots, of  
4 the time taken during winter months?

5 A. I don't know about that either. But if  
6 they did take the time from the time they let go their  
7 lines until they arrived, that is still not a true picture.

8 MR. LANGLOIS: Because they are coming down to  
9 the ship, and with any delay, the pilot is still on the  
10 job, and you have got to take the time from the time he  
11 is called until he gets off the bridge. That is the full  
12 time.

13 Q. How does that affect the time actually  
14 piloting?

15 A. That is talking about tours of duty.

16 Q. But you are not paid at the pilotage rate  
17 until you commence piloting, are you?

18 A. We are paid detention before that if we  
19 are detained.

20 Q. I am talking about the pilotage rate.

21 A. That is correct, we are not paid that until  
22 we are piloting. But that does not give the true picture  
23 of a pilot's work.

24 Q. Please disabuse your mind on the question  
25 of detention. I will deal with detention in a moment.  
26 I am suggesting to you that the records kept by the pilots  
27 showed that the time these faster ships took in the summer  
28 was about 9 hours.

29 A. I don't know.

30 Q. I am suggesting to you also that the time





1 these faster ships took in the winter was just about the  
2 same, about 9 hours.

3 A. If the first one was right, the second one  
4 is right. I don't know. Maybe there wasn't too much  
5 delay.

6 Q. Captain Gosse, I don't want to press you  
7 on this, but it does seem surprising to me that if these  
8 records were kept no one in the Pilots' Committee saw them.

9 A. Who was in the Pilots' Committee when they  
10 were kept?

11 Q. Were you not familiar with what was going  
12 on in the Pilots' Committee at that time?

13 A. I might not even have been on the Pilots'  
14 Committee at that time. I don't know.

15 Q. Were any records kept in 1962 with respect  
16 to Kitimat trips, summer and winter?

17 A. Not to my knowledge, no.

18 Q. In your experience is the outbound voyage  
19 from Kitimat to McInnes Island normally made more quickly  
20 than the inbound voyage?

21 A. It could be. It depends.

22 Q. If the ship is turned and after loading  
23 her discharge and has merely to cast off her lines and go,  
24 wouldn't it be reasonable to expect that the ships out-  
25 bound would make the passage faster than ships inward  
26 bound?

27 A. You just don't let your lines go and go,  
28 because you may end up on the flats. It takes a little  
29 while. It may not be as long as backing up, but it may be  
30 longer, too.





1 Q. But you are not concerned in outward  
2 voyages in waiting for tide, are you?

3 A. If the ship is loaded you have to wait for  
4 the tide. Some of these 20-knot ships cannot go out at  
5 low tide, because some of them have a full cargo bound for  
6 Japan, the American Mail Lines.

7 Q. You go along with me as far as light ships  
8 are concerned?

9 A. I would go along where?

10 Q. That they wouldn't have to be delayed on  
11 having to slow down in order to wait for the tide.

12 A. If they are a light ship coming in, they  
13 can come in, and if they are a light ship going out, they  
14 can go out.

15 Q. Assuming that the average number of hours  
16 necessary to make the passage from Kitimat to McInnes  
17 Island is less than to make the inward voyage, have you  
18 any reason to explain that or any explanation for it?

19 A. I never said they were less. It may be,  
20 and it may not be.

21 Q. I wondered if you had an explanation for  
22 it.

23 A. I have no explanation for it because I  
24 don't know how it happens. It could happen.

25 Q. At present, in the majority of cases,  
26 would more vessels proceeding to Kitimat take the outside  
27 route, that is a pilot at Cape Beale and northward from  
28 there?

29 A. I think they come up the outside, yes.

30 Q. And they pick up their pilot or pilots at







1 Cape Beale, two pilots at Cape Beale, and would you agree  
2 that these pilots have no piloting or other work to do for  
3 approximately 18 to 19 hours?

4 A. Where? When they get to Kitimat?

5 Q. After they get aboard the ship.

6 A. After they get aboard the ship, that is  
7 right. Some masters of some ships, not necessarily a  
8 Saguenay ship, ask us to come up through Scott Passage.

9 Q. Would it be more than half-an-hour, an  
10 hour?

11 A. It all depends. We are on board the ship,  
12 and if the master wants any service on board the ship we  
13 are quite willing to do it.

14 Q. What I am suggesting is that any pilot,  
15 having been aboard for 18 or 19 hours with little to do or  
16 no work, unless it is coming up Scott Passage, would be  
17 well-rested, wouldn't he?

18 A. Even Scott Passage wouldn't prevent him  
19 from having rest.

20 Q. And before his despatch on the Kitimat run,  
21 how many days off would he have in the normal course of  
22 events?

23 A. Well, you are not asking me to think that  
24 this man stores up his sleep ahead of time or anything?  
25 What has this got to do with the voyage, I wonder?

26 Q. Just answer my question.

27 A. I can't answer because I don't know how  
28 long he was off beforehand.

29 Q. In the Pilots' Committee is a pilot  
30 despatched from a particular job direct to the Kitimat





1 run?

2 A. I can tell you this; this is what happens.  
3 A man despatched to the Kitimat job, if he is despatched  
4 from Vancouver he leaves home the night before, goes  
5 across to Alberni, and if a boat is due in at 5 o'clock  
6 in the morning, at 2 or 3 in the morning the pilot leaves  
7 Alberni and then he gets out there and has to climb a  
8 ladder and get on board ship. He is not very rested, but  
9 after he gets on board the ship he can have some rest.  
10 We are not claiming that he is not a rested man. We  
11 wouldn't put him up there if he wasn't rested.

12 Q. On the same ship when the ship returns  
13 from Kitimat?

14 A. Yes.

15 Q. How many days rest?

16 A. If the company that owns the ship wants to  
17 detain him two days or five days, they detain him. If not,  
18 he goes home. If he stays there, naturally he has a rest.

19 Q. And as a general rule, with the turn  
20 around of most ships, there is mostly two days or three  
21 days?

22 A. They know all this stuff; they know how to  
23 get the ship out.

24 Q. I wondered if you disagreed with it.

25 A. I don't disagree with it.

26 Q. And when they are there for two or three  
27 days the pilot is detained there as a rule?

28 A. Yes.

29 Q. So there is plenty of rest?

30 A. Oh, yes.







1 Q. Now, I am suggesting to you, Captain Gosse,  
2 that a well-rested pilot beforehand and a well-rested  
3 pilot before the outward voyage should not suffer undue  
4 fatigue in piloting for four or five hours.

5 MR. LANGLOIS: That is a matter of argument,  
6 my lord.

7 A. If you had to stand talking to me for 9  
8 or 10 hours, don't you think you would be tired?

9 Q. You might be tired of listening to me, but  
10 I would not be tired listening to you, Captain Gosse.

11 A. But this mental fatigue doesn't come in  
12 necessarily if two pilots are there and she takes 9 hours.  
13 The mental fatigue comes in if a pilot has to stay on the  
14 bridge for 9 hours in bad weather, and we have no guarantee  
15 that the weather isn't going to be bad.

16 Q. I am suggesting to you that with these  
17 faster ships substantial delays due to bad weather, wind,  
18 sleet or fog, which is the main hazard in respect of  
19 delays, is the exception rather than the rule on this  
20 McInnes Island to Kitimat trip. What do you say about  
21 that? Do you agree or disagree?

22 A. Well, let's hear what you said.

23 Q. I am suggesting to you that on this 120-  
24 mile passage from McInnes Island to Kitimat delays due to  
25 bad weather are the exception rather than the rule, they  
26 are unusual rather than the normal thing.

27 A. Delays due to bad weather? Quite right,  
28 because you always have a rested pilot on the bridge.

29 Q. I am talking about weather.

30 A. Yes. But the weather depends on the pilot.





1 If a pilot is in bad weather he must be a rested man to  
2 keep the ship going, to get there in time.

3 Q. Perhaps I put my question rather badly.

4 THE CHAIRMAN: Shouldn't the pilot know whether  
5 it is a usual thing or not? Is the average 50%, 25%?  
6 What Mr. Bird is asking I think is fair.

7 Q. I will put it again. I am suggesting to  
8 you that over a year - let's take 1962 - that there were  
9 very, very few delays, shipping delays, due to bad weather.

10 A. That would be agreeable with me, yes.

11 Q. And I suggest to you that the same was the  
12 case in 1961.

13 A. I would have to have the records to know,  
14 but it could be. As I said before, on a well-found ship,  
15 with the pilot there, even in bad weather and with good  
16 equipment there is not much delay on some of these trips.  
17 On some occasions there is.

18 Q. I would further suggest to you that if  
19 that trip on the average takes between, say, 9 and 10  
20 hours, summer and winter, your tour of continuous duty is  
21 not excessive as far as a well-rested pilot is concerned.  
22 Do you agree or disagree?

23 A. That is right. But you never mentioned  
24 the delays outside of bad weather, delays in docking,  
25 delays in getting to the berth.

26 Q. That is all in the 9 and 10 hours.

27 A. No, it is not. You talked about weather.

28 Q. I am asking you to assume the average time  
29 of a run from McInnes Island to Kitimat, and that includes  
30 time for berthing, slowing down for a berth, waiting for





1 berths in that figure of 9 to 10 hours.

2 A. No. It is liable to be much more.

3 Q. Well, we have some figures on it. If it  
4 was between 9 and 10 hours, would you agree with me that  
5 one pilot is quite adequate for that voyage?

6 A. No. The hours of work for anybody - over  
7 8 hours' work is not for anybody, at least in this day and  
8 age. And in a continuous watch I don't think there are  
9 any ships ask their officers to have a continuous watch  
10 over 6 hours.

11 Q. When you were master of a ship were there  
12 ever times when you were more than 6 hours on the bridge?

13 A. Yes. But they were very few and far  
14 between, because there were lots of days when we didn't  
15 have to go on the bridge for one or two hours because the  
16 officers of the ship were there. A master of a vessel is  
17 not a watch officer. But we are watch officers and  
18 masters.

19 Q. I would like to deal shortly with your  
20 time cards that you carry on board.

21 A. The source cards?

22 Q. I am sorry, the source form. Is that the  
23 thing signed by the master; you ask him to sign?

24 A. Yes.

25 Q. And how do you record the time that you  
26 take over your duties? Do you take the log entry for a  
27 ship, say, abeam McInnes Island light?

28 A. Well, we have pilots on watches; we don't  
29 have to go to the log book. As a matter of fact, seconds  
30 and minutes don't mean very much there.







1 Q. I am afraid in this case they mean dollars  
2 and cents. Do you take the time abeam McInnes Island  
3 light?

4 A. Yes, that is right.

5 Q. In hours and minutes?

6 A. Yes. Maybe the pilot had been up there  
7 two hours before that, talking to the officers, to the  
8 captain. But we take the time.

9 Q. When you start piloting?

10 A. Yes.

11 Q. At Kitimat, what time do you take for  
12 completion of your pilotage duties?

13 A. When the ship is alongside the dock.

14 Q. Yes, but do you take it from the finished  
15 with engines?

16 A. Yes. We don't take it to any split  
17 second or minute or anything.

18 Q. I would like you to think about the  
19 answer you are giving, because what I want the Commission  
20 to know is whether your time for conclusion of your  
21 pilotage duties is when you leave the ship, when you  
22 cross the gangway, or whether it is when you leave the  
23 bridge.

24 A. Well, the thing is what we should do, the  
25 time we should take ---

26 Q. What do you do?

27 A. Personally?

28 Q. Yes.

29 A. What I do, when the gangway is down and I  
30 can go ashore, that is my time. If I can't get ashore, I





1 am still on the job, no matter whether the engines are  
2 rung off or not. If the gangway is not down, then I am  
3 still on board.

4 Q. Yes, but at Kitimat you send the gangway  
5 down and you go ashore?

6 A. It is the time I can go ashore. Sometimes  
7 we put down a time and it is previous to this because we  
8 think we can walk off, and we can't, because the gangway  
9 is not out. But the first time the gangway is made fast  
10 and you can go ashore, that is the time. It says "Left  
11 ship," and that's it. If you are referring to the pilot  
12 staying aboard the ship after the ship has docked, that  
13 could be, but that is not the right time to put down.

14 Q. That is what I want to be clear on. Now,  
15 is it when you go ashore?

16 A. It is when you can go ashore; that is the  
17 proper time you put down.

18 Q. So when there is an hour's delay in putting  
19 the gangway down, you still say you are entitled to charge  
20 for pilotage duties?

21 A. That is right. If you can't get off that  
22 ship - what we put down there is the time we leave the  
23 ship, and that is the time that should be down there, not  
24 anything else.

25 Q. As a result of that, even if it happened  
26 to be correct, you are charging for time you were not  
27 engaged in piloting?

28 MR. LANGLOIS: My lord, that is not what he  
29 said. Pilotage duties are not paid for the time on the  
30 ship, it is detention. You are asking an unfair question.







1 THE CHAIRMAN: Those are the figures which  
2 appear on the records of the pilots, so therefore he is  
3 entitled to ask what they mean and so there may be argument  
4 about these figures later on.

5 MR. LANGLOIS: He is asking if pilotage duties  
6 are paid. They are not paid time like that.

7 Q. Isn't it fair to say that in your time  
8 book or your source form you have the time you leave the  
9 ship?

10 A. I don't know what you are talking about.  
11 In what column are you talking about?

12 Q. It doesn't matter which column. It is the  
13 time you leave the ship that you mark down for off duty.

14 A. You'd better get a source card and see  
15 what it says.

16 Q. I am sorry, Captain Gosse, I am asking you  
17 to direct your mind to the question I am asking. What  
18 time do you put down when you leave the ship?

19 A. Where?

20 Q. Which column do you put it in?

21 A. I don't understand your question.

22 THE CHAIRMAN: Have you got one of these forms  
23 here?

24 MR. JACQUES: We are trying to locate one.

25 THE CHAIRMAN: While you are looking for it,  
26 you requested, Mr. Langlois, that the letters which are  
27 being replied to in those letters be produced.

28 MR. LANGLOIS: No, my lord.

29 THE CHAIRMAN: The letter, for instance, marked  
30 as Exhibit 128 from the Chairman of the Pilots' Committee





1 to Mr. Burke, the original of that letter is in your file.

2 MR. LANGLOIS: Not this one, my lord. I was  
3 referring to Exhibits 129 and 130.

4 THE CHAIRMAN: If you wish to have the right  
5 evidence, they are the best evidence. And with regard to  
6 the further ones, they will be through Captain Eddy. Of  
7 course, you could have the three letters from the Aluminum  
8 Company or Saguenay Terminals, but it would be only  
9 secondary evidence. You are asking for the replies to  
10 these three letters to be filed so we have the whole  
11 story. The letter being replied to in Exhibit 128 is in  
12 your possession, in possession of your clients.

13 MR. LANGLOIS: Exhibit 128 was not addressed to  
14 us; it was a letter written by us to Saguenay Terminals.

15 THE CHAIRMAN: You are asking for the letter  
16 that is being replied to.

17 MR. LANGLOIS: It was not in reply.

18 THE CHAIRMAN: It is only the two other letters,  
19 and Captain Eddy will have them?

20 MR. LANGLOIS: Yes.

21 THE CHAIRMAN: Will you be much longer, Mr.  
22 Bird?

23 MR. BIRD: I will be some time, yes, my lord.

24 THE CHAIRMAN: If you can finish before 1  
25 o'clock, we will proceed. If not, we will adjourn.

26 MR. BIRD: I think not, my lord. I would  
27 prefer to adjourn.

28 THE CHAIRMAN: We will adjourn until 2.15.

29  
30 --- Adjourned for lunch at 12.45 p.m. until 2.15. p.m.





1 --- On resuming at 2.15 p.m.

2 THE CHAIRMAN: Gentlemen, before we start, we  
3 have just been discussing the length of the sittings, and  
4 when we should sit. We would like to finish up, if at all  
5 possible, within two days, and we hear that tonight the  
6 Town Council is sitting here, and therefore there won't  
7 be any possibility of sitting here, so this afternoon,  
8 rather than adjourning at 5 o'clock, we will go to 6  
9 o'clock, and tomorrow morning, instead of starting at 10  
10 o'clock, we shall start at 9.30, and if necessary we can  
11 go on tomorrow night also, because the chamber here will  
12 be available.

13 MR. LANGLOIS: In all fairness to the witness,  
14 I think I should state that the Pilots' Source Form has  
15 no account of the time the ship arrives. It is the time  
16 that the pilot leaves, and it has to be filled by the  
17 pilot.

18 THE CHAIRMAN: May I see it, please?

19 MR. LANGLOIS: The instructions are on the  
20 other side, "Must be filled by the pilot."

21 THE CHAIRMAN: And it is signed by the master,  
22 and signed by the pilot. I wish that this copy be filed  
23 as an exhibit.

24 MR. JACQUES: There is already a source form,  
25 which is similar throughout Canada, which has been filed  
26 at Saint John, New Brunswick.

27 MR. LANGLOIS: Is it a blank?

28 MR. JACQUES: Yes, and this could be used as a  
29 reference by the witness, the blank form, for the source  
30 form.







1 THE CHAIRMAN: So would you, Mr. Nadeau, hand  
2 that to Mr. Bird, so that he can continue his examination  
3 of the witness with the form.

4 THE SECRETARY: He already has one, sir.

5 MR. BIRD: I have one source form here, sir,  
6 which was filed as Exhibit 19, and that will be suitable.

7 CAPTAIN WALTER ALLAN GOSSE, continued

8 CROSS-EXAMINATION BY MR. BIRD (continued):

9 Q. Captain Gosse, at the adjournment you and  
10 I were not, I think, in the same column, or else perhaps  
11 neither of us was in station. If you would ---

12 MR. JACQUES: The source form has been filed as  
13 Exhibit 42.

14 MR. BIRD: Oh, thank you.

15 Q. Now, you will observe, witness, that in  
16 respect of Exhibit 88 the time shown in the left ship  
17 column, 62/1340; is that right?

18 A. That is right.

19 Q. And that would be the time the pilot left  
20 the ship; that is, went over the gangway, presumably  
21 ashore?

22 A. Yes, that is what it should be.

23 Q. And that, of course, would not be the time  
24 that the ship was secured and finished with engines rung  
25 down, and the pilot left the bridge?

26 A. No, that is left ship.

27 Q. Now, on an average, would it be fair to  
28 say that the pilot would leave the ship approximately half  
29 to three-quarters of an hour after he had completed his  
30 pilotage duties on the bridge?





1 A. Well, you always say average, but I can't  
2 say for averages.

3 Q. Well, I just want your best estimate.

4 A. What he is supposed to do is fill out his  
5 card. As soon as the gangway is put on he goes ashore,  
6 and that is the time that he is supposed to put on. It  
7 may be 10 minutes after. It may be 15 minutes after.  
8 But if the pilot remains aboard there for his own con-  
9 venience, then that is not supposed to be the time that  
10 he walks off the ship. If that is the time the gangway  
11 is made fast and he can go ashore, that is the time that  
12 should be there.

13 Q. Supposing, as is commonly done, as we all  
14 know, the pilot has a drink, or a cup of coffee, or a  
15 short chat with the master; does that commonly happen?

16 A. Yes.

17 Q. What I would like you to tell the Commis-  
18 sion as best you can is the time when he finishes his  
19 pilotage duties and the time he leaves the vessel as  
20 indicated on the Pilot's Source Form, would it be roughly  
21 half-an-hour, or three-quarters of an hour?

22 A. Well, I can't say that. With one ship it  
23 might be at one time, and with another ship at another  
24 time. It is impossible to tell, and in a lot of places it  
25 takes a long time to get the gangway out. At Kitimat it  
26 might be quite good. They use a crane to put the gangway  
27 out, but if they have to rig the gangway, on some ships it  
28 takes quite a long time. But most of the pilots I think  
29 are honest enough, that even if they do stay aboard, they  
30 are not going to add on hours to the time they left the







1 ship because we understand this to mean when you finish  
2 your work, and provided there is no hold-up you can go  
3 ashore, and I don't think a pilot is going to flog that  
4 time for any reason.

5 Q. I am not suggesting that a pilot gets any  
6 additional money as a result of showing the time he left  
7 the ship half-an-hour after he finished his pilotage  
8 duties. Please don't misunderstand me.

9 A. But are you trying to say that the pilot  
10 is going to give the wrong time here?

11 Q. No. What I want you to tell the Commis-  
12 sion, if you can, is, roughly, would it be fair to say  
13 that a half or three-quarters of an hour elapses between  
14 the time that the pilot is finished with his duties on  
15 the bridge, and the time that he walks over the gangway  
16 onto the shore?

17 A. It could be.

18 Q. The time that he walks over the gangway;  
19 is it reasonable for me to assume that that is the time  
20 that would appear on the Pilotage Source Form as left ship?

21 MR. LANGLOIS: The witness can testify only to  
22 the ships he has been on board himself, not to what other  
23 pilots do.

24 THE CHAIRMAN: And also we have launch used or  
25 not in that same line. So you have the gangway and the  
26 launch boarded, so that is two instances for left ship.  
27 So you might have that explained further.

28 Q. Would you enlarge on that? You see the  
29 column for launch used?

30 A. Yes.





1 Q. Would the time that the launch comes along-  
2 side and you get into it be the time that appears in the  
3 left ship column?

4 A. Yes, if you were leaving a ship by launch  
5 it is the time that you left the ship and got into the  
6 launch.

7 Q. Now, Captain, you have told us a great  
8 deal about this work load. Now, is it not true that in  
9 calculating the hours of work performed by the pilot,  
10 that the times taken are from the time - for instance,  
11 let's take McInnes Island to Kitimat. The time abeam  
12 Kitimat until the time shown in the left ship column ---

13 A. What are you referring to?

14 Q. Well, in determining the hours of work  
15 that you are actually piloting?

16 A. Well, we don't pilot ships by the hour.  
17 We don't get paid so much an hour.

18 Q. No, I appreciate that, Captain Gosse. All  
19 I am asking you is, when calculating what you have referred  
20 to as your average work load per pilot on this Kitimat  
21 run ---

22 A. It is calculated in different ways. It is  
23 calculated hours on the ship, travelling time, hours away  
24 from home, but as far as the pilots' hours are concerned,  
25 the pilots still maintain that as long as they are on call  
26 that is their hours of work.

27 Q. Let me put it to you this way: if I  
28 suggested to you that the pilotage time from McInnes  
29 Island to Kitimat was 8 hours, would you understand from  
30 that that the 8 hours was limited first by time abeam





1 McInnes Island and the time you finished is the time you  
2 left ship, as indicated on that source form?

3 A. The hours we work, did you say?

4 MR. BIRD: Would you read the question, please,  
5 Mr. Reporter?

6 (The last question is read by the reporter)

7 Q. The time abeam McInnes Island, when you  
8 start your pilotage duties?

9 A. Yes, I understand that part of it.

10 Q. And the end of the 8 hours would be the  
11 time shown in the left ship column?

12 A. What is that the time for?

13 Q. The time that you have calculated your  
14 hours of work.

15 A. No, that is extra hours aboard ship. That  
16 is more or less hours aboard ship, but previous to this,  
17 of course, you have been aboard the ship travelling up the  
18 coast, but you see, if a pilot is still on the ship, even  
19 if she is alongside the dock, or at anchor, he is still at  
20 work. He is still en route.

21 Q. Before leaving this question of two pilots,  
22 you have asked for two pilots for the Kitimat run. Is  
23 that correct, any run over 8 hours?

24 A. That is right, the B.C. Pilots have asked  
25 for two pilots.

26 Q. Is that, or was that, requirement based  
27 upon what you consider the work load to be?

28 A. The work load to be?

29 Q. Yes. Is that the reason you want two pilots?

30 A. The reason we want two pilots is because







1 if the hours that the pilots have to be on the bridge of  
2 the ship, that we have to be up available, or doing  
3 piloting, if it is going to be too much for one man, then  
4 we want two men.

5 Q. Supposing that the ---

6 A. I would clarify that a little bit. If  
7 there is any reasonable doubt that it is going to be too  
8 much for one man, then we want two men.

9 Q. I am going to ask you to assume that the  
10 actual pilotage hours of work between McInnes Island and  
11 Kitimat were 7 hours and 59 minutes; would you contend  
12 that two pilots are necessary?

13 A. Well, the only thing I can say to that is  
14 that I don't think anybody, very few people, or very few  
15 men, are asked to stand, to be continuously on watch, for  
16 8 hours, or even 7 hours. You see, even a man ashore, he  
17 gets his lunch hour break, but a pilot on the bridge of a  
18 ship is up there continuously, and has his lunch up on the  
19 bridge with him, and he is continuously up there for that  
20 time, whatever the hours may be, so there is no break in  
21 between. The first mate is on for four hours, and goes  
22 off, and the second mate comes on for four hours, then the  
23 first mate comes back for four hours, and the pilot is  
24 still there, unless he is relieved by another pilot.

25 We say if four hours is good enough for those  
26 men, it should be good enough for the pilots. But we are  
27 not asking for four hours as a limit for one day's work.  
28 We are asking for 8 hours, but if there is any doubt that  
29 it is going to be more, then we want two men there.

30 Q. That is why your answer rather surprised





1 me, Captain Gosse, because what do you consider the length  
2 of time the pilot should be required to stand continuously  
3 on the bridge, or to be on watch as a pilot?

4 A. Well, of course, I am not the one that sets  
5 the rules for these things. If I was the employer I might  
6 say that I would expect somebody to do something, but the  
7 thing is a man standing up there for 8 hours at one time,  
8 it might be all right on a beautiful day, but you get bad  
9 weather, and that is a long time to be standing up on the  
10 bridge. You might be sitting up there, but it is a long  
11 time, anyhow.

12 Q. Supposing the pilotage time to get in to  
13 Kitimat was 7 hours; would you say that two pilots were  
14 necessary?

15 A. I am not going to say anything of the kind,  
16 because if I say yes to that, then you would come back and  
17 you would say ---

18 Q. I recognize your dilemma.

19 A. Well, I know I am in a dilemma, because  
20 the thing with piloting is who is going to guarantee these  
21 things, and before the ship leaves Cape Beale we have to  
22 know something, and nobody is going to guarantee what is  
23 going to happen to that ship when she gets up to McInnes  
24 Island, from there in.

25 Q. Do you agree with me that the basis of  
26 your contention for two pilots is only work load?

27 A. Well, this thing ---

28 Q. Well, is there anything more than work load  
29 that you are concerned about when you ask for two pilots?

30 A. Well, the thing is this: that as far as







1 the pilots are concerned the second pilot only gets half  
2 pilotage. Now, if the pilots thought that we were consi-  
3 dering work load too much, or they thought it was not a  
4 necessary thing, they wouldn't send the other pilot along,  
5 because we only get half rates for that pilot, and if we  
6 thought it wasn't worth it, we wouldn't send the other  
7 pilot along for half rate.

8 Q. I must get a responsive answer to my  
9 question. Are you concerned with anything other than  
10 work load when you require two pilots to go to Kitimat?  
11 If there is anything other than work load, I would you to  
12 tell the Commission.

13 A. Work load, to me, is a very ambiguous  
14 question. I don't know what you refer to, but when you  
15 use work load ---

16 Q. I am using your words ---

17 MR. LANGLOIS: Oh, no.

18 MR. BIRD: Well, at least the words of your  
19 brief.

20 MR. LANGLOIS: My lord, the reasons are there at  
21 pages 40 and 41 of the brief, and we went all through that  
22 at Vancouver.

23 MR. BIRD: I think this is rather significant,  
24 my lord.

25 Q. If there is anything other than work load  
26 that you are concerned with when you ask for two pilots,  
27 I would like to know what it is.

28 A. Well, as far as I know this work load  
29 business -- because work load can be twisted around to  
30 suit any particular need, and I am not going to say





1 anything about work load, because it is such an ambiguous  
2 thing. My idea of work load and somebody else's idea may  
3 be altogether different.

4 Q. Are you suggesting that some of the pilots  
5 don't agree that the hours of work should be limited to  
6 8 hours?

7 A. No, this thing has been discussed in  
8 meetings, and it is the majority. At our meetings the  
9 majority rules. No one pilot dictates to the pilots. We  
10 take the word of the majority. We don't dictate to any-  
11 body. I am Chairman of the Committee this year, but next  
12 year I may not be, but the Chairman of the Committee does  
13 not dictate to the pilots.

14 Q. Well, you are not able to assist me, then,  
15 in respect to my question whether there is anything other  
16 than work load which has encouraged you to require two  
17 pilots on the Kitimat run?

18 A. That is correct, because I don't know what  
19 your meaning of work load is, or what anybody else's is.

20 Q. Let me put it this way: if you had one  
21 pilot on the Kitimat run instead of two, you would have  
22 more pilots, one more pilot to use in other areas, wouldn't  
23 you?

24 A. That is right.

25 Q. And that would operate to reduce the  
26 amount of work required by pilots in the other areas?

27 A. That is right.

28 Q. Now, that would also operate to give you  
29 more pilots in other areas, because of the time saved in  
30 travelling. In other words, if it is was assumed that a





1 pilot to take a ship to Kitimat has to go from Cape Beale --

2 A. For as long as he is away from his base  
3 then he is not available for other jobs.

4 Q. In fact it would work out to roughly about  
5 five pilot days, if we could express it that way?

6 A. Well, we could figure it out. I have never  
7 figured out how many actual days, but there is quite a  
8 number of days lost every time we send a man north. We  
9 know that. That is why we want two pilots paid.

3 10 Q. That is why you want two pilots paid?

11 A. We want double pay for this. If you are  
12 using two pilots' time, then we figure you should pay for  
13 two pilots.

14 Q. Yes. Well, we are getting onto another  
15 point.

16 If you have two pilots paid at double time, the  
17 only thing that would accomplish is to increase the pilots'  
18 earnings. Right?

19 A. Not the only thing. We might be able to  
20 take on more pilots.

21 Q. Oh, to increase the number of pilots, and  
22 get the same fees?

23 A. That is right.

24 Q. Nothing to do with mental fatigue?

25 A. I never mentioned mental fatigue now.

26 Q. I would like to deal now, shortly, with  
27 these two pilots. I think you told us that they change  
28 and change about, so that in effect each pilot would work  
29 approximately four hours, assuming the run to Kitimat is  
30 8 hours in length?







1 A. Yes, if it is 14 hours they would work 7  
2 hours.

3 Q. Yes, about half?

4 A. That is right.

5 Q. Dealing now with detention. Do you recall  
6 when the amendment was made to the bylaws requiring deten-  
7 tion to be paid at \$6.05 per calendar day, instead of per  
8 day?

9 A. Per calendar day instead of per day?

10 Q. Yes.

11 A. Well, it was only to clarify it. It was  
12 per day, and to clarify it we had calendar day. Our  
13 intention when we had it per day was calendar day, but we  
14 had a discussion over that, and we added calendar day  
15 because some of the shipping people tried to run one day  
16 into the other. As a matter of fact, in discussing this  
17 with Mr. Anderson in Ottawa, he suggested we put in diem.

18 Q. Diem?

19 A. D-i-e-m.

20 Q. Oh, per diem?

21 A. Yes.

22 Q. Well, Captain Gosse, the object of putting  
23 in calendar day was also to increase the detention, wasn't  
24 it?

25 A. No, sir. It was to clarify our so much  
26 per day. That was what it was there for.

27 Q. Supposing, Captain, you boarded a ship at  
28 Cape Beale at 1800, all right?

29 A. Yes.

30 Q. Your detention would then start to accrue





1 at \$6.05 per hour for a limit of six hours, right?

2 A. Yes.

3 Q. So that between 1800 and 2400 on the day  
4 of boarding you would have earned the limit of detention,  
5 correct?

6 A. That is right, yes.

7 Q. That would end that calendar day?

8 A. That is right.

9 Q. At 2400 you proceed to the next calendar  
10 day?

11 A. Yes.

12 Q. So that you would then earn your limit of  
13 detention on that calendar day?

14 A. That is right. Right till midnight that  
15 day, too.

16 Q. So that I suggest to you that by changing  
17 the wording of your bylaw to calendar day you succeeded in  
18 obtaining an extra day's detention?

19 A. No, sir, because the charge before, when  
20 we made that charge it was supposed to be per calendar day,  
21 but we had to put it in there to clarify it. That was all  
22 it was done for. The original charge was per day, and  
23 meant you went from midnight to midnight on one day, not  
24 to go from the 8th to the 9th, but the 8th was one day,  
25 and the 9th was another.

26 Q. Before the change to calendar day was made,  
27 is it not true that detention was calculated on the 24-hour  
28 period following the time you boarded the ship?

29 A. No, I think that the ---

30 Q. You say that is not so?







1           A.    I do. I don't think so, but anyhow, it  
2 might have been done, and that is the reason, to get back  
3 to what we originally asked for we had to get the word  
4 calendar day put in it.

5           Q.    Captain Gosse, before the change to calen-  
6 dar day was made, I suggest to you that in the run from  
7 Cape Beale to Kitimat ---

8           A.    Could I say something?

9           MR. BIRD: Just a moment. After you have  
10 answered my question, please.

11          Q.    I suggest to you that before this change  
12 to calendar day was made in the bylaws, that the detention  
13 the pilots were able to earn on boarding a ship at Cape  
14 Beale, and before taking over at McInnes Island, was only  
15 one day's detention, because a full period of 24 hours  
16 hadn't expired before you took over your duties. Isn't  
17 that right?

18          A.    If I remember right, this calendar was put  
19 in before Kitimat was in existence. But what I wanted to  
20 say was this. We are talking here now, and getting into a  
21 lot of discussion over this thing. The pilots don't want  
22 that detention. If you can tell us some way that we can  
23 do without it, we want it if we can do it, but we don't  
24 want to be put on the spot where we have to be detained.  
25 If you can tell us how we can get away from detention we  
26 would be happy.

27          Q.    Well, of course, the Commission might  
28 decide that it would be desirable to have a fixed remunera-  
29 tion, and that would get away from it?

30          A.    That is right.





1 Q. Do you think that would be a desirable  
2 thing, to have a fixed remuneration?

3 A. No, I don't think it would be desirable  
4 to have a fixed remuneration. We have been all through  
5 that before.

6 Q. But it would get away from detention?

7 A. If we can get away from doing it, but it  
8 is not a pilotage charge. The original detention was put  
9 in so that the supercargo would not order the pilot two  
10 hours before it was ready, and they used to get the pilot  
11 on board two hours before the ship was ready.

12 THE CHAIRMAN: I don't think we should get  
13 involved in what was dealt with in Vancouver, as to  
14 whether it would be better for them to be civil servants,  
15 or to get a salary, unless you have new material?

16 MR. BIRD: No, I haven't, my lord.

17 Q. I would just like to deal with some of  
18 your views on a northern station. I understand from what  
19 you have told us that you do not favour the establishment  
20 of a northern pilot station; is that so?

21 A. Are we on this brief, or are we back on  
22 something else?

23 Q. No. I think in the brief you wanted the  
24 status quo preserved?

25 MR. LANGLOIS: Again, we went all through that  
26 in Vancouver. If we go all through that we will be here  
27 another week.

28 THE CHAIRMAN: I think this was pretty well  
29 covered by the witness in Vancouver. I don't think he has  
30 new facts there. You will recall we spoke on New Bella





1 Bella a lot of times in Vancouver, but this will come  
2 later on here, I think, with the other briefs, but then  
3 you could ask the other witnesses.

4 MR. BIRD: Very well, my lord.

5 That is all, thank you, Mr. Gosse.

6

BL/dpw 7 RE-DIRECT EXAMINATION BY MR. LANGLOIS:

8 Q. Would you tell the Commission as to whether  
9 or not a description of Porpoise Harbour and Watson Island  
10 Pulp Mill Dock on pages 44 and 45 of your brief are  
11 accurate and fully descriptive of the situation obtaining  
12 at these two ports?

13 A. Yes, I would say that they are an accurate  
14 description.

15 Q. Now, coming back to your testimony of this  
16 morning, you mentioned fog as dangerous to navigation,  
17 fog, sleet, currents and winds. Would you tell the Commis-  
18 sion what are the strongest winds you are liable to get on  
19 this Kitimat run?

20 A. Well, you get winds, various velocities.  
21 There have been many a time that the velocity goes as high  
22 as 70 or 80 miles an hour in the channels there.

23 Q. Seventy miles an hour?

24 A. Yes, 70 to 80.

25 Q. Now, you mentioned also about the tugs in  
26 Kitimat. How many tugs are there at that port?

27 A. Well, as far as I know, there is only the  
28 one there.

29 Q. Who owns that tug?

30 A. I imagine it belongs to Kitimat. I am not







1 sure.

2 Q. Is it the same tug that is used by the  
3 other ships as used by Saguenay Terminals' ships?

4 A. It is used by Saguenay Terminals, and it  
5 is used by any other ships, whether Saguenay ships or  
6 American Mail Lines or States Line boats.

7 Q. You mentioned eddies in the Kitimat  
8 Channel. I should say in this channel leading up to  
9 Kitimat. Would these eddies flow always in the same  
10 direction?

11 A. Oh, no. I mentioned in two directions.  
12 I think I put it in the chart as heading round in two  
13 directions, setting in or off the dock.

14 Q. And these eddies would set your ship?

15 A. Yes. Well, approaching the dock you have  
16 to watch out for the eddies. But you have the range light  
17 there, as long as you are watching it. But the ship is  
18 going in there at slow speed and you have to watch it, and  
19 they can set off. But you are proceeding in very slowly.

20 Q. What is the range of the tide?

21 A. I think I mentioned about 18 to 20 feet -  
22 16 to 18 feet.

23 Q. Now, mention was made of the buoys. Would  
24 you tell the Commission as to whether or not buoys are  
25 reliable aids to navigation, and, if not, why?

26 A. Well, yes, I think they are fairly reliable.  
27 They can get out of position, but they are fairly reliable.  
28 We haven't encountered much difficulty. As a matter of  
29 fact, I haven't encountered any difficulty with these  
30 buoys. Are you referring to the ones off the dock?





1 Q. Any buoys?

2 A. Well, any buoy is liable to float away  
3 or get carried away with the tide, or liable to be out of  
4 position. But for myself I haven't had too much trouble  
5 with that.

6 Q. In a channel with a tide range of, say,  
7 20 feet, is it not a fact that sometimes at low tide a  
8 buoy will be quite out of normal position?

9 A. It could, especially if there is any tide  
10 to set it. It could take the full range of its chain.  
11 The more slack it has the farther range it is going to go.

12 Q. Could you tell the Commission as to whether  
13 or not buoys in the channel leading to Kitimat are equipped  
14 with radar reflectors?

15 A. No, not to my knowledge.

16 Q. I beg your pardon?

17 A. No, I don't think they are.

18 Q. Would you, sir, tell the Commission as to  
19 whether or not all ships using Kitimat are equipped with  
20 gyrocompasses, as a rule?

21 A. Oh, we have had an occasional one. It is  
22 very seldom you don't have a gyrocompass.

23 Q. Now, mention was made this morning of  
24 ships of 20 and 21 or even 22 knots. Would you tell the  
25 Commission, sir, at what speed do you normally go up to  
26 Kitimat? What is the maximum speed you use as a rule?

27 A. Well, we use full speed of the ship in  
28 good weather. Going up to Kitimat, if you are going in  
29 by McInnes Island, there is not much reason why you can't  
30 go full speed, but in bad weather they usually stand by





1 the ship to cut the speed so that they can get back into  
2 manoeuvring speed again.

3 Q. Would you explain what you mean by  
4 manoeuvring speed?

5 A. Some of the ships going full speed, if you  
6 manoeuvre with them - well, some of the faster ships, in  
7 order to manoeuvre them, you have to cut them down to  
8 manoeuvre speed because they can't take them from full  
9 speed ahead to slow without notification to the engineer.  
10 Sometimes they want as much as half-an-hour.

11 Q. On a 20-knot ship, when she is put on  
12 manoeuvring speed, what would be the maximum speed of  
13 manoeuvring speed?

14 A. On American ships, if she is a 21-knot  
15 ship, if you put her on manoeuvring speed it may be, say,  
16 14 knots.

17 Q. Are some of these ships operating on  
18 heavy fuel, on bunker and diesel?

19 A. Yes. If they are running on heavy fuel,  
20 in order to manoeuvre them you have to give them half-an-  
21 hour's notice in order to let them go on to diesel fuel,  
22 which they manoeuvre on.

23 MR. LANGLOIS: Perhaps the Commission would  
24 wish some information on that, my lord.

25 MR. JACQUES: It wasn't my intention to furnish  
26 any material.

27 THE WITNESS: The pilot, when he goes aboard  
28 the ship, it is not what the ship can do, it is what the  
29 master tells you to do. If we have to give half-an-hour's  
30 notice, that is what we have to do. But we have to get







1 our information from the master and most times the master  
2 will tell us what notice we have to give for manoeuvring  
3 speed.

4 THE CHAIRMAN: He is the one who gives you the  
5 particulars of the ship?

6 THE WITNESS: Yes, that is right; that is where  
7 we get the information. The technical part we don't know  
8 anything about. We just take the word of the captain, and  
9 that is what we go by.

10 Q. Now, this morning mention was made of the  
11 shorter distance using the inside passage as compared to  
2 12 the outside passage. Have you ever made any suggestion to  
13 Saguenay Terminals in connection with the boarding place  
14 of pilots?

15 A. Yes. When they were building Kitimat,  
16 they sent three superintendents out here. Mr. Lockwood  
17 was out here also, and the superintendents - I think one  
18 of them was Captain McKillop, Peterson and I think the  
19 other one was Feletier. We had discussed this with - I  
20 don't remember who else was there, but I think the super-  
21 intendent was there, too. But the pilots made a suggestion  
22 that - we were discussing the lights in the channels going  
23 up to Kitimat, and the pilots got a group of suggested  
24 lights, and the superintendents, or whatever their  
25 official title was, they had a list and we went over them.  
26 As a matter of fact, we suggested first that if they would  
27 take these ships up to Triple Island and we could board  
28 the ships at Triple Island and take them to Kitimat from  
29 Triple Island, then probably we could station two or three  
30 pilots in Prince Rupert to handle these ships, because





1 with those ships we could probably put two or three pilots  
2 in Prince Rupert to handle the ships. But they told us  
3 at that time that they were not going to deviate the ships  
4 300 miles to come to Triple Island. They would not  
5 support the suggestion of putting a light at Cape Scott,  
6 and they told us they would not support our idea of the  
7 lighthouse there since their ships were not going to go  
8 through Scott Passage.

9           At the time I said, "You will find that they  
10 will go through Scott Passage," but they said no. But if  
11 they go through Scott Passage to Triple Island, I think  
12 the distance they would have to run would be about 200  
13 miles and in that way maybe we could have pilots stationed  
14 at Prince Rupert and probably save them a lot of expense,  
15 if they don't want to pay detention. They would probably  
16 have to have two pilots there, but they would save expense  
17 of bringing pilots up. But they wouldn't go along with  
18 this.

19           Q. Is it true that it would also save the  
20 ships detention from Cape Beale to McInnes Island?

21           A. Yes. I am not going so far as to say that  
22 they would save all of this. The pilots here may be busy  
23 on other jobs and we may have to send pilots. But it is  
24 my opinion, and I have talked it over with some of the  
25 pilots, some of them don't like the idea of living in  
26 Prince Rupert, but I think they would be quite willing if  
27 the business was there, and this was one suggestion.

28           But this was back when Kitimat first started,  
29 and it was refused.

30           Q. Now, these ships that go up to Kitimat,







1 what flag do they fly? Are they Canadian or foreign ships?

2 A. We have no Canadian ships coming in now.

3 Most of them are Norwegian registry, or some foreign  
4 registry.

5 Q. With foreign masters?

6 A. Yes, they are all foreign.

7 Q. How often does it happen that you have to  
8 wait for the tide to come alongside at Kitimat?

9 A. Oh, this hasn't been a problem too long.  
10 As a matter of fact, we didn't know much about it here  
11 until, I would say, six months or a year ago. I think  
12 what happened - I may be wrong in this - I think they were  
13 getting a dredge up to clear this channel, and I think the  
14 dredge was wrecked. Anyhow, Captain Eddy got a message  
15 saying that the channel had silted in and gave us the  
16 depth of the channel. So it could be that a ship could  
17 come up through and there was enough water and she wouldn't  
18 be delayed. But it could have been that she was delayed.

19 Q. Would you now, Captain, tell the Commission  
20 what has been the longest trip from McInnes Island to  
21 Kitimat?

22 A. Well, I think my longest trip was - it is  
23 quite a while ago; I can't remember exactly - was over 14  
24 hours' run, 15 hours. But that was because we were  
25 delayed waiting on a ship getting out of berth.

26 Q. Does that happen often, on account of a  
27 ship being at berth?

28 A. No. As a matter of fact, they put some  
29 dolphins in there for a second ship to go in. There has  
30 been occasion that there are two ships in there. But if







1 they know it is going to be long they send the ship to  
2 anchorage. This time I came up there they said the ship  
3 would be away, but we came and it was still there and we  
4 waited about four hours for the ship to get out of berth.

5 Q. What has been your shortest trip to  
6 Kitimat?

7 A. Well, unfortunately I haven't had one of  
8 these 21-knotters, so I can't give you six hours. I think  
9 the shortest run I have had up there has been about 10  
10 hours.

11 Q. When you say 10 hours or 14 hours, is that  
12 spent on duty in the wheelhouse or on the bridge?

13 A. Fortunately there were two pilots and we  
14 split it.

15 Q. If there was only one pilot on board, that  
16 would mean constant duty?

17 A. Well, when we are on duty, when we are in  
18 pilotage waters, we don't leave the bridge.

19 Q. You have your meals on the bridge?

20 A. Yes.

21 Q. Have you ever been offered by the captain  
22 to leave the bridge and go down to the cabin for your  
23 meal?

24 A. Yes, once. It was a tanker that came into  
25 the harbour quite a few years back, and even before I was  
26 piloting, and the master, after we came through the Second  
27 Narrows Bridge, said, "Pilot, there is no use you staying  
28 up here. Come down and have your lunch comfortably with  
29 us." I went down to the saloon, which was underneath the  
30 bridge, and when I was down there I was a little bit





1 concerned because I didn't think this was the right thing  
2 to do, and I looked out the port and he was heading for  
3 the flats immediately offshore, and I went back on the  
4 bridge again and said, "Put her hard left, hard left,"  
5 and the captain said, "What is the matter? We are heading  
6 straight for the bridge." I said, "Yes, we are heading  
7 straight for a mud bank." But with one lesson like that  
8 you don't leave the bridge any more. So I don't make a  
9 practice of it.

3 10 Q. On pages 40 and 41 of your brief you give  
11 your reasons for requesting two pilots on board on the  
12 Kitimat run. Am I to understand that the main reason  
13 behind your recommendation is that of the matter of safety  
14 of the ship, or is it only a question of the fatigue of  
15 the pilot?

16 A. Primarily our concern is for the safety of  
17 the ship. That is what we are employed for, and that is  
18 the main thing in our business, the safety of the ship.

19 MR. LANGLOIS: Thank you. That is all.

20 MR. BIRD: I just have one or two questions,  
21 my lord, arising out of re-examination.

22  
23 RE-CROSS-EXAMINATION BY MR. BIRD:

24 Q. Captain Gosse, you mentioned you had  
25 certain conversations with Captain McKillop of Saguenay  
26 Shipping or one of the Aluminum Company's?

27 A. Yes, that is right.

28 Q. What year?

29 A. That was when the Aluminum Company was  
30 being - when the construction of the Aluminum Company was





1 being made. I can't remember the year. But it was  
2 Captain McKillop who was here, and Peterson, and I think  
3 this fellow Feletier was here. I am not too sure.

4 Q. Was Mr. Burke here?

5 A. I don't know at that time. I can't  
6 remember. It is quite some time ago. I can't remember  
7 who was at the meeting. But the reason I know these  
8 gentlemen by name is because I entertained them after  
9 that, and we discussed it then, too. And I think Captain  
10 Eddy was present at the time. I may be mistaken there.  
11 Anyway, he can talk for himself. I can't remember whether  
12 Feletier was there, but I know Peterson and McKillop were  
13 there. There were three from the Saguenay.

14 Q. My instructions are that neither the  
15 Aluminum Company nor Saguenay Shipping have ever refused  
16 to have pilots based in Prince Rupert.

17 A. I never said they refused to have pilots  
18 based in Prince Rupert. I said they refused to bring  
19 their boats up to Prince Rupert to pick up their pilots.

20 COMMISSIONER SMITH: I understood him to say  
21 that the company objected to going 300 miles out of their  
22 way.

23 THE WITNESS: Yes, to pick up a pilot.

24 MR. BIRD: That's fine, my lord. I thought  
25 the witness had gone further than that.

26 THE WITNESS: No.

27 MR. BIRD: That is all, thank you.

28 MR. JACQUES: At this moment, sir, I should  
29 like to call Captain Eddy, who has prepared some statistics  
30 of traffic in Kitimat and Prince Rupert, and I should like







1 to file this document. It might help my friends.

2

3 CAPTAIN F.N. EDDY, sworn

4 DIRECT EXAMINATION BY MR. JACQUES:

5 Q. What is your full name, address and age,  
6 Captain, please?

7 A. Frederick Nelson Eddy, 972 Beaumont Drive,  
8 North Vancouver, age 61.

9 Q. And what is your function, sir?

10 A. Regional Superintendent of Pilots.

11 Q. How long have you been in that function?

12 A. Since May 1st, 1953.

13 Q. Now, sir, I show you a document which  
14 purports to give the names of various vessels, from  
15 boarding point and also from boarding off point, with  
16 tonnage. Would you look at this document and tell me  
17 whether it was prepared by you or under your instructions?

18 A. This document was prepared in my office.  
19 We went through as many source cards as we could in order  
20 to give some information or help to the Commission in  
21 relation to these ships entering Prince Rupert during  
22 1962. As we have probably over 8,000 source cards, I  
23 may have missed maybe one or two ships. I wouldn't say  
24 there would be many more than that if I did miss any.

25 Q. To explain this document, I see in the  
26 lefthand column we have the month, and also underneath  
27 the month various boarding stations. Would you care to  
28 tell the Commission whether that is a boarding station or  
29 not?

30 A. Under the month I have put in where the





1 vessel was boarded, and then the name of the vessel and  
2 then where she cleared to. If she was cleared to sea,  
3 I have put down sea, Triple, which means Triple Island.  
4 If she proceeded out anywhere else, I put where she  
5 cleared for. Then the fourth column is the gross tonnage  
6 of the vessel. I did that in order that I could add up  
7 the total gross tonnages of the vessels concerned and  
8 divided them to give the Commission an idea of the  
9 average size of ship entering Prince Rupert, and the  
10 average tonnage for computation purposes would be about  
11 9,813 tons, nearly 10,000 tons. That is just the average  
12 gross tonnage of vessels entering Prince Rupert last year.

13 Q. Now, on page 3 of this document, in  
14 regard to the number of ships entering Prince Rupert in  
15 1962, you give a figure of 46.

16 A. Yes, that is what we found from our source  
17 cards. Then from the number of ships entering Prince  
18 Rupert I have marked with a star the vessels which could  
19 have been handled by a resident pilot without having him  
20 leave his port. In other words, all vessels coming in or  
21 out of Prince Rupert and/or Porpoise Harbour and back to  
22 Triple Island. I feel myself that perhaps it wouldn't be  
23 fair to take a resident pilot away down to other ports if  
24 you only had one man here, because then he would be lost  
25 and not in his station in case of emergency.

26 Q. This, I presume, the figure 70 on page 3,  
27 is the number of times a local pilot could have been used?

28 A. Without leaving his district.

29 Q. In other words, there are 70 stars on this  
30 document?







1 A. Yes.

2 COMMISSIONER SMITH: I don't understand exactly  
3 what you mean by leaving his district and leaving his  
4 port.

5 THE WITNESS: Leaving the area of Triple Island  
6 to Prince Rupert, because if he took a ship, say, down to  
7 Kitimat and had to stay by that ship, he could have been  
8 there several days and then there would be a ship coming in  
9 at Prince Rupert and another pilot would have to be flown  
10 in. The idea was to have two pilots in and out of these  
11 ports and not get lost.

4 12 Q. The ships against which the stars appear  
13 would be ships entering Prince Rupert from sea and leaving  
14 Prince Rupert for sea?

15 A. That is right.

16 Q. On page 3 I see you have figured the  
17 approximate amount of pilotage dues each ship would bring;  
18 is that right?

19 A. That is right.

20 Q. And you arrive at a figure of \$94.96?

21 A. That is working on an average tonnage of  
22 10,000 tons. I divided the total tonnage by the number  
23 of ships, and it came to 9,000-odd. In that case the  
24 average pilotage bill was \$94.96. So I took the round  
25 figure of \$95, and 70 jobs at \$94 would give a resident  
26 pilot \$6,650, just in relation to local ships.

27 Q. That is based on traffic available last  
28 year in Rupert?

29 A. Yes.

dpw 30 Q. And now I see that under the figure \$6,650





1 you have mentioned distribution for a B.C. pilot, 1962,  
2 \$14,555. Would you explain what is that distribution,  
3 sir?

4 A. That was the distribution of the amount  
5 of money divided among the pilots in equal shares after  
6 the other expenses, pension fund expenses, and other  
7 sums have been taken off. That is the balance of the  
8 earnings divided among the pilots in equal proportion.

9 Q. This is the amount of money which the  
10 B.C. pilots received last year as their pay cheque?

11 A. Yes, that is a full-time pilot, not a  
12 probationer.

13 THE CHAIRMAN: In the figure of \$6,650 there,  
14 there would be no allowance for the pension, though, while  
15 in the other one you have allowance for the pension, in  
16 the 14,000?

17 MR. JACQUES: I am coming to that, sir.

18 Q. Now, sir, in order that the pilot stationed  
19 at Prince Rupert derive the same benefits as the other  
20 B.C. pilots, pension-wise, expense-wise, and earning-wise,  
21 what would be the rough amount which would have to be  
22 contributed by the Gulf port pilots to the Prince Rupert  
23 pilot?

24 A. Do you mean to say if it was a British  
25 Columbia pilot?

26 Q. Yes.

27 A. Well, in that case the earnings here  
28 would have to go into the distribution, and he would  
29 probably get the same distribution as the other pilots,  
30 because it is equally divided, you see. It would mean





1 probably that the pilot would have to be subsidized, or at  
2 least the resident pilot would have to be subsidized, I  
3 should imagine, about approximately \$125 per year per  
4 pilot.

5 --- EXHIBIT NO. 131: List of 1962 vessels entering Prince  
6 Rupert and Watson Island.

7 Q. Sir, the figure of \$6,650 on page 3 of  
8 Exhibit 131, which has now been filed, would represent  
9 the gross revenue of the district, meaning the number of  
10 jobs multiplied by the pilotage bill, which is sent to  
11 the shipper; is that right?

12 A. That is correct.

13 Q. So there is no deduction for pension  
14 expenses, launches, or anything of the sort, is there?

15 A. No.

16 Q. There is not?

17 A. No.

18 Q. Now, I show you another document. Would  
19 you take a look at it, and tell me if it has been prepared  
20 by you, or under your supervision?

21 A. Yes, this was prepared by my accountant  
22 just before we left. He tried to give me some idea of  
23 what had gone on during the month of February in these  
24 northern ports, in order that I could submit it here for  
25 the Commission.

26 COMMISSIONER SMITH: Do I understand, Mr.  
27 Jacques, from these figures that the earnings of the  
28 proposed district would fall short of the earnings of the  
29 pilots in the whole district last year by the sum of  
30 \$7,905?







1 MR. JACQUES: I believe this is correct, sir.

2 Q. What does this document represent, sir?

3 A. He took some of the ships that were bound  
4 to Kitimat, and showed me - this is my accountant - from  
5 the source forms, to show the Commission exactly the  
6 route they were proceeding. The same with the Prince  
7 Rupert ships in February, and the trip to Harriet Harbour.  
8 The one trip made in February by the s.s. "Harriet Maru".

9 Q. Does this purport to be a complete list of  
10 all shippings bound for Kitimat, Prince Rupert and Jedway?

11 A. I wouldn't like to say that. It was given  
12 to me just before I left, and I never had a chance to check  
13 it myself.

14 Q. Can we tell from this exhibit the length  
15 of a trip from sea to Kitimat of one particular ship?

16 A. We have taken the time commenced piloting  
17 and the time off ship from the source card. That is the  
18 only information we have, and that is the only information  
19 which really I have to concern myself with, because the  
20 time off is the end of that voyage, and then any detention  
21 claims would have to be assessed from the time off the  
22 ship. So that is the reason the source card is drawn up  
23 that way, to get us the necessary information for correctly  
24 billing the ship.

25 Q. Now, the lefthand column of this document,  
26 would you tell the Commission what it represents?

27 A. The lefthand column shows you where the  
28 ship cleared and either where she picked the pilot up and  
29 entered, or where she cleared from and dropped the pilot.

30 Q. I will take as an example the "Java Mail,"





1 and I read "Fairway to Kitimat outside." What does that  
2 mean?

3 A. That she came to the Fairway buoy off  
4 Victoria, picked the pilot up there, and carried him out-  
5 side Vancouver Harbour to the point of commencing pilotage,  
6 which would be McInnes Island.

7 Q. And the centre column is the name of the  
8 ship, and the righthand column gives the date of the  
9 voyage, I presume?

10 A. That is right.

11 Q. And I see next the date on "Java Mail."  
12 "Times 2145 to 0715." What would these times represent?

13 A. 2145 in that case would be the time the  
14 pilot commenced piloting at McInnes Island, and 0715 would  
15 be the time left ship, entered on the source card.

16 Q. So, from this document, we could presume  
17 that the trip of the "Java Mail," as regards piloting,  
18 took 9 hours and 30 minutes?

19 A. That is right.

20 Q. And I read in the next line that the  
21 "Java Mail" left Kitimat to Triple, and left at 1100 and  
22 arrived at 1840. So that would mean a trip outwards of  
23 7 hours and 40 minutes?

24 A. That is correct.

25 Q. And in the case of the "Blue Grass State"  
26 the trip would have been 8 hours, 15 minutes?

27 A. That is right.

28 Q. And for the "Sunpolycrown," 9 hours and 10  
29 minutes for a voyage from Kitimat to Beale?

30 A. Yes.







1 Q. And again the "Sunpolycrown," Beale to  
2 Kitimat, 8 hours and 30 minutes?

3 A. Yes.

4 Q. And lastly, the "Arabert," Beale to  
5 Kitimat, 9 hours and 40 minutes?

6 A. May I point out to the Commission that  
7 the 8-hour limit which we have been discussing is not  
8 demanded by anyone. It is part of the bylaws, and as such  
9 I am obliged to comply with it, and in this respect when  
10 the 12-hour limit was on we had 10-knot ships, with 120  
11 miles, and I was really on the spot. When the 8 hours was  
12 agreed to by the Chamber of Shipping and the B.C. Pilots,  
13 and the bylaw was amended, I thought I was free, and felt  
14 quite happy. But the ships immediately stepped up to 15  
15 knots, and put me back on the spot again, with the result  
16 that it is a case of I will be damned if I do, and I will  
17 be damned if I don't. The pilots jump me one way and the  
18 Chamber of Shipping jumps me the other way.

19 To show the difficulty, the "Java Mail" came in  
20 and took 9 hours and 30 minutes, and yet it took only 7  
21 hours and 40 minutes to go a longer distance to Triple  
22 Island. So it is most difficult for me to assess it.  
23 Sometimes I am in a most difficult position in regard to  
24 this 8-hour bylaw and the Kitimat run.

25 THE CHAIRMAN: Before you go on, I think in the  
26 last figure you gave in the "Arabert," it is 9 hours and  
27 45 minutes, instead of 9 hours and 40 minutes.

28 MR. JACQUES: Your lordship is correct. We  
29 stand corrected.





1 --- EXHIBIT NO. 132: List of ships bound for northern  
2 ports of B.C. in February, 1963,  
3 showing route and time taken in  
4 pilotage waters.

5 Q. Now, sir, I have another document, or  
6 rather two of them, which purports to be a list of  
7 vessels using the port of Kitimat, B.C., January 1st to  
8 December 31st, 1962, giving arrival date, name, and flag,  
9 and also where the vessel cleared inbound, and where she  
10 cleared outbound.

11 Would you look at this document, and tell me  
12 whether it was prepared by you or under your supervision?

13 A. In this case the ships, the arrival dates,  
14 the name of the vessel, and the flag, were supplied to me  
15 by Mr. Hayes of Kitimat.

16 Q. Who is Mr. Hayes?

17 A. I am not quite sure of his title. He  
18 very kindly gave me these ships, and I thought that the  
19 Commission would be interested. I knew that Kitimat would  
20 be in discussion, so I added, just before I left, I had  
21 to add it that night, the port, or the place where they  
22 entered Kitimat from, and also where they cleared for.  
23 This is pencilled in by ourselves.

24 For instance, in the first column we have the  
25 arrival date, 8th January, and I have got in above. She  
26 arrived from Victoria. The name of the vessel was the  
27 "Crete," and I have added that she cleared for Alberni,  
28 and so it goes along. We have one on the 7th February,  
29 that entered from Cape Beale. In other words, she had  
30 come by McInnes Island, the "Sunbreeze," and she cleared





1 for Vancouver.

2 This was prepared in order that the Commission  
3 would have some idea of how the ships come to Kitimat.

4 Q. And in this list, sir, have you calculated  
5 how many of these ships use Triple Island to clear in or  
6 out?

7 A. There were 8 in at Triple Island for  
8 Kitimat, and 7 out.

9 Q. In a total of how many?

10 A. Seventy-one ships.

11 Q. Now, the third page of this document,  
12 would you explain what it contains?

13 A. This was given to me by the Saguenay  
14 Shipping Lines, and it is purely their own vessels, and  
15 it is calculated in the same manner. I think you will find  
16 these vessels will be incorporated in this list. This was  
17 the first list I got, and I went to Mr. Hayes, who very  
18 kindly gave me a more detailed list.

19 MR. JACQUES: Unless there is objection I  
20 propose to do away with the third page, since the infor-  
21 mation therein contained is contained in the other two  
22 pages.

23 MR. BIRD: We expect to have, my lord, similar  
24 information, but much more detailed, giving pilotage hours,  
25 which will be a little more extensive than this.

26 COMMISSIONER SMITH: Captain, in connection  
27 with the Exhibit 132, you made an observation that if you  
28 move one way you are on the spot with the pilots, and if  
29 you move the other way you are on the spot with the  
30 Chamber of Shipping?









1 THE WITNESS: I should not have said the  
2 Chamber of Shipping, Mr. Smith. I should have said the  
3 ship's owner, or the ship's agent, who is paying the bill.

4 COMMISSIONER SMITH: Well, it does not matter.  
5 Have you any suggestions as to how you could get your-  
6 self off the spot with both?

7 THE WITNESS: I don't know. It seems that we,  
8 whenever an amendment is made to the bylaw, then something  
9 comes along and makes it just as difficult. It is a thing  
10 I have thought about, and I don't know whether --- I was  
11 thinking again that if we put the ships that are just on  
12 the limit --- you are never sure which side they are going  
13 to be --- if we went back and said, "All right. In the  
14 wintertime two pilots. In the summertime one pilot on  
15 the questionable ships," that might help. Or maybe if  
16 the ship is questionable and one pilot was on there and he  
17 went over the 8 hours, maybe some reimbursement could be  
18 worked out.

19 Those are the only two suggestions that might  
20 help.

21 THE CHAIRMAN: What about the basis of that  
22 suggestion, a difference between wintertime and summer-  
23 time?

24 THE WITNESS: Yes, my lord. In the summertime,  
25 in the northern areas, you have got long days and short  
26 nights, and as a seaman admittedly it is a little less  
27 hard on a man's nerves when he is piloting, or navigating  
28 in daylight than it is at nighttime.

29 MR. JACQUES: So I understand from what you  
30 have said that apparently you decide whether there should





1 be two or one pilot aboard a ship, is that correct?

2 THE WITNESS: Most of the time.

3 Q.. The decision itself is yours?

4 A. I am afraid so.

5

6 --- EXHIBIT NO. 133: List of vessels using the port of  
7 Kitimat, B.C., in 1962.

8

9 THE CHAIRMAN: Could we see this exhibit,  
10 please? On Exhibit 133, the first example is that of the  
11 "Crete," on the 8th January, 1962, was in Victoria ---

12 THE WITNESS: In from Victoria, my lord. In to  
13 Kitimat from Victoria.

14 THE CHAIRMAN: And out Alberni?

15 THE WITNESS: Yes.

16 THE CHAIRMAN: But it couldn't be out to Port  
17 Alberni. The pilot couldn't leave her here, at Port  
18 Alberni?

19 THE WITNESS: Cleared Kitimat out to Port  
20 Alberni. Actually that is the port of Kitimat itself,  
21 and the vessel has come in to Kitimat from other places,  
22 and the outs mean the vessel has cleared outwards from  
23 Kitimat for those places.

24 THE CHAIRMAN: Because there is another one,  
25 the "Sunek," in Cape Beale, and out Cape Beale also?

26 THE WITNESS: Yes, he came in and picked his  
27 pilot up at Cape Beale, went to Kitimat, went back to  
28 Cape Beale, and dropped the pilot again.

29 THE CHAIRMAN: So that the one we spoke about  
30 at Port Alberni?





1 THE WITNESS: No, Cape Beale is the boarding  
2 station for Port Alberni, so what he would do would be  
3 just to leave with the pilot, and the pilot would carry  
4 him out from Port Alberni. Otherwise, he would have to  
5 send the pilot home at Kitimat, and send for another pilot  
6 out to Port Alberni.

7 MR. LANGLOIS: And save \$60 in boat charge, too,  
8 besides.

9 MR. JACQUES: At this point might I recall  
10 Captain Gosse?

11 MR. LANGLOIS: I have a few questions, excuse  
12 me.

13  
14 CROSS-EXAMINATION BY MR. LANGLOIS:

15 Q. Captain Eddy, on Exhibit 131, at page 3,  
16 you use the figure of \$14,555. Would you tell the  
17 Commission as to whether this figure includes services  
18 performed by pilots outside of their district?

19 A. Yes, it includes it.

20 Q. Now, on Exhibit 132, in the lefthand  
21 column, where you give the times that the pilotage  
22 started and the times that pilotage ended, are you using  
23 the time the pilot boarded, or the time the ship sailed  
24 in the Pilot's Source Form?

25 A. No, the time the pilot commenced piloting.

26 Q. Well, suppose a pilot is aboard a ship,  
27 and it came at 3 o'clock in the afternoon, and she sails  
28 at 5 o'clock, which is the one you would use?

29 A. Oh, the sailing time. That is the only  
30 one on the source card.







1 THE CHAIRMAN: Would you show us the source  
2 card, please?

3 MR. JACQUES: Would you indicate on the source  
4 card where you have the sailing time, as opposed to the  
5 boarding time? The Source Form is Exhibit 42.

6 THE WITNESS: Boarded ship at the place, the  
7 date, the time, he was ordered. The time he reported,  
8 and the time he sailed. The reason that that is on that  
9 is that he could be ordered and detained aboard the ship  
10 before she sailed, and then we have to have those two  
11 separate times, the reporting time, the ordered time, and  
12 the sailing time, in case there is a detention claim.

13 THE CHAIRMAN: By the way, we notice that this  
14 Source Form was a very, very good form, because it was  
15 drafted out in 1907.

16 THE WITNESS: It has been a great help to us  
17 anyway, the new Source Form.

18 THE CHAIRMAN: It is working all right?

19 THE WITNESS: Oh, yes.

20 MR. JACQUES: I am advised by the Liaison  
21 Officer for the Department that it does not indicate the  
22 year.

23

24 CROSS-EXAMINATION BY MR. BIRD:

25 Q. 1907. That was before you went into the  
26 service, then?

27 A. Yes, if it had been 1917 ---

28 Q. On Exhibit 131, you recall the gross  
29 figure you have given for pilots' earnings, which was  
30 about \$6,650?





1 A. Yes.

2 Q. Did you make allowance for detention?

3 A. Not with the local pilot, because there  
4 probably would be no detention for a local pilot. This  
5 would be his home. As soon as the ship was in he would  
6 be cleared.

7 Q. Oh, you were assuming that he was going  
8 just out to Triple Rock?

9 A. Yes.

10 Q. Now, your estimate that 125 dollars per  
11 pilot per year would have to be contributed from the  
12 pilots outside of Prince Rupert to the pilot in Prince  
13 Rupert would be sufficient to bring the Prince Rupert  
14 pilot's salary up to what the other pilots were earning.  
15 Is that correct?

16 A. Approximately.

17 Q. Yes, roughly. So that if that contribu-  
18 tion was made, it would mean that instead of the other  
19 pilots earning \$14,555, they would be earning \$14,430  
20 per year?

21 A. That is right.

22 Q. Now, with respect to the Source Form, the  
23 sailing time you took as being the time the pilotage  
24 commenced, the pilot commenced piloting?

25 A. The sailing time is when the pilot  
26 commences to take that ship away.

27 Q. Yes, and your calculations for determining  
28 the total hours of pilotage for the ship would be between  
29 the sailing time and the left ship time?

30 A. That is all the figures I get. That is





1 all I can work on.

2 Q. So that if pilotage, in fact, stopped  
3 approximately a half-an-hour before the pilot left the  
4 ship, then your figures for pilotage hours would have to  
5 be reduced by half-an-hour?

6 A. That is pilotage hours?

7 Q. Yes.

8 A. In that case may I refer to the bylaw?  
9 In the interpretation of all bylaws, my lord, I always  
10 find that no matter how you think you have read it right,  
11 somebody can find another little hole in it.

12 COMMISSIONER SMITH: Especially lawyers.

13 THE WITNESS: Yes, the question, and I put it  
14 to the Commission, that two pilots shall be employed in  
15 piloting a vessel when -- then it says the vessel requires  
16 the services of a pilot for a continuous period in excess  
17 of 8 hours. Whether the intention of that bylaw, my lord,  
18 means that it requires the services of a pilot for a  
19 continuous period means till the time he gets off the ship,  
20 or until the time he rings the engines off, there is a  
21 legal point I would like to be advised on.

22 THE CHAIRMAN: We are taking note of it.

23 THE WITNESS: Thank you.

24 THE CHAIRMAN: And we reserve the answer to  
25 that.

26 MR. BIRD: Did you have occasion to provide any  
27 sets of figures so as to enable the Commission to compare  
28 times taken by ships proceeding from McInnes Island to  
29 Kitimat in the summer, as opposed to times for the same  
30 distance during the winter?







1 THE WITNESS: No, I am afraid I didn't. I must  
2 point out in this case ---

3 MR. JACQUES: Excuse me. Before you answer it,  
4 I should say this, that we were not aware of this point  
5 of difference of time until this morning, and now that  
6 we are aware of the problem, we can assure you that we  
7 will have someone here or most likely in Ottawa to go  
8 through the source form.

9 Q. I am not saying you should have done so.  
10 I am wondering whether it was done because of the 1953,  
11 1954 discussions which indicated because of faster ships  
12 consideration would be given to using one tug?

13 A. No, frankly, we couldn't possibly do it.  
14 I have only three of a staff, the same staff that I had  
15 at the beginning. With one stenographer, one accountant  
16 and one clerk, that would be impossible. We got those  
17 figures by working till midnight each night.

18 Q. I must say that it is quite remarkable that  
19 you have been able to provide these organizations with the  
20 figures you have done.

21 A. I would like to do more, but I am just  
22 limited to what I can do.

23 RE-CROSS-EXAMINATION BY MR. LANGLOIS:  
24

25 Q. Captain Eddy, you arrived at this figure  
26 of \$125 -- correct me if I am wrong -- by deducting from  
27 the 1962 distribution to the B.C. pilot the amount of  
28 \$6,650 and dividing the difference by the number of pilots?

29 A. Yes, sir, to give an approximation.

30 Q. If those 70 jobs in Prince Rupert had been





1 done in 1962 by a resident pilot, the figure of \$14,555  
2 as being the distribution for 1962 would have been lower?

3 A. That is if you put an extra pilot in?

4 Q. Yes.

5 A. Yes, it would have been.

6 Q. So the figure of \$125 is not quite exact?

7 A. Not quite exact, no.

8 MR. JACQUES: At this point I would like to recall  
9 Captain Gosse, please, for just one question.

10 WALTER ALLAN GOSSE (Recalled)

11  
12 MR. JACQUES: My lord, this morning we heard  
13 the name Watson Island mentioned, and I wonder if Captain  
14 Gosse would indicate to us where this island is and what  
15 happens there.

16 BY MR. JACQUES:

17  
18 Q. Would you indicate that, please, Captain  
19 Gosse?

20 A. Well, Watson Island and Purpoise Harbour  
21 are one and the same thing.

22 MR. LANGLOIS: It is described on pages 44 and  
23 45 of the brief.

24 THE WITNESS: There is Watson Island and there  
25 is Purpoise Harbour.

26 Q. You are showing this on Exhibit 127?

27 A. Yes.

28 Q. And am I right in saying that what is  
29 applicable to Prince Rupert would also be applicable to  
30 Watson Island as far as navigation is concerned?





1 A. Oh, no.

2 Q. What difference is there?

3 A. Well, there is a narrow channel coming in  
4 there at Purpoise Harbour.

5 Q. How long would that channel be, approximately?

6 A. Oh, a couple of miles, two miles.

7 Q. What sort of ships do you take up there?

8 A. We take large tankers, fish ships.

9 Q. Is that harbour frequented by large vessels  
10 only?

11 A. Well, these fish ships come in here, but  
12 the large tankers come in there from California.

13 Q. How much water would they draw?

14 A. 27, 28 feet.

15 Q. And what would be the frequency of traffic,  
16 roughly, to Watson Island?

17 A. We could get you the number of ships.

18 Q. Have you any idea, roughly, whether it is  
19 ten a month?

20 A. I think if the average was three a month  
21 it would probably be more like it.

22 MR. JACQUES: Thank you, sir. I have just been  
23 advised that we have this figure elsewhere.

24 THE CHAIRMAN: We will have a short recess.

25 ---Short recess.  
26

27 MR. BIRD: My lord, on behalf of the Aluminum  
28 Company of Canada Limited, I have filed their brief and  
29 delivered copies to my friends.

30 THE SECRETARY: Exhibit 134, brief from the







1 Aluminum Company of Canada Limited to the Royal Commission.

2

---EXHIBIT NO. 134:

Brief of Aluminum Company of  
Canada Limited.

3

4

5

6

7

8

9

MR. BIRD: I shall file an amendment, if your  
lordship pleases, in Vancouver when the final copy can be  
typed and delivered to counsel. The amendments are as  
follows. On page 3, paragraph 3, the last sentence in the  
first paragraph under item 3 should be deleted and the  
following substituted:

10

"Approximately 80% of the vessels are turned on

11

"leaving Kitimat Harbour. Turning time is

12

"variable depending on wind and tide and type

13

"of vessel and may be said to range from 20

14

"minutes to two and three-quarter hours; the

15

"usual turning time being approximately one hour."

16

17

18

19

20

21

22

23

24

25

26

At page 8, the reference to Trutch Island,  
delete "Government Radio Station" and substitute "British  
Columbia Telephone Microwave Station which has no connec-  
tion with D.O.T. and no facilities for communication with  
ocean vessels." And the words "community on this Island  
and" should be struck out and a sentence added at the end  
of the comment "Use of Caamano Sound as an approach to  
Kitimat is not recommended." So that at present the  
suggestion of Trutch Island as a base for pilots so far  
as the Aluminum Company is concerned may be effectively  
ruled out.

27

28

29

30

Finally, the last one requires an addition at  
the bottom of page 8, this sentence:

"Alternatively if no northern pilotage station  
is established south of Prince Rupert, then





"compulsory pilotage or compulsory payment of  
"pilotage fees should not be required, but pay-  
"ment of applicable pilotage fees will of course  
"be made when a pilot is used."

That completes the amendments. I call  
Captain Loder.

KENNETH JOHN LODER, Sworn

DIRECT EXAMINATION BY MR. BIRD:

Q. What is your full name?

A. Kenneth John Loder.

Q. You are a master mariner, Captain Loader?

A. Yes.

Q. What certificate do you hold?

A. Minister of Transport foreign-going issued  
in London.

Q. London, England?

A. Yes.

Q. How long have you held that certificate?

A. Since 1954.

Q. And roughly how long have you been at sea?

A. I was at sea actually 20 years.

Q. How long as master?

A. Three years.

Q. As chief officer?

A. From 1954 -- about five and a half years.

Q. Captain Loder, how long have you been  
employed with the Aluminum Company?

A. With Saguenay Shipping I have been employed  
since 1955.





1 Q. Were you master of their ships?

2 A. Yes.

3 Q. Which ones?

4 A. The Sundial, Sunhenderson and the Sunjarv.

5 Q. What is your job at the present time?

6 A. Marine Superintendent.

7 Q. At Kitimat?

8 A. No, at Vancouver.

9 Q. Have you occasion to visit Kitimat  
10 regularly?

11 A. Yes, regularly, sir, about once a month.

12 Q. As Marine Superintendent what are your  
13 duties?

14 A. Mainly on this coast supervising the loading  
15 of the Alumunim ships.

16 Q. Now, how many times as master have you  
17 taken ships into Kitimat from McInnes Island?

18 A. Once, sir.

19 Q. How many times as chief officer?

20 A. Approximately four or five times. I can't  
21 quite remember. It would be four or five times.

22 Q. Have you been on vessels proceeding in  
23 and out of Kitimat via McInnes Island as passenger?

24 A. Yes, quite frequently.

25 Q. Between what periods have these passages  
26 been made? When was the first trip you made in as  
27 passenger or in any respect?

28 A. The first trip in would be in 1956 or  
29 1957. I can't quite recall when.

30 Q. Now, as the result of that number of trips







1 in and out of Kitimat, what have you to say as to whether  
2 theses waters are difficult to navigate for persons who  
3 have been in the number of times you have?

4 A. Well, I would say that the waters don't  
5 present any particular hazard. There are hazards, of  
6 course, when any ship is navigating in closed waters, but  
7 there are no additional hazards to what you would find  
8 elsewhere.

9 Q. As a master of a ship would you be prepared,  
10 after having been into Kitimat in the manner in which you  
11 have spoken of, the number of times you have been in, to  
12 take a ship in there without a pilot?

13 A. Yes, I would, sir.

14 Q. What have you to say as to whether a  
15 period of eight to ten hours continuous duty on the bridge  
16 going into Kitimat under the conditions reasonably to be  
17 encountered is excessive or not?

18 A. I wouldn't say it would be excessive,  
19 because the pilots are well-rested before entering McInnes  
20 Island, and also they are well rested when leaving McInnes  
21 Island. And in other ports of the world pilots are  
22 expected to maintain watches on the bridge for much longer  
23 than ten hours. For instance, in the distance from Port  
24 Alfred to Quebec, which is, I believe, 152 miles, the  
25 pilotage there is only conducted by one pilot, and I  
26 personally have made that voyage from Port Alfred to  
27 Quebec with one pilot and it took close to 20 hours. It  
28 is very expensive, I would agree, but it was a case in  
29 point.

30 Q. Why did it take 20 hours?





1 A. Well, the particular ship was a slow ship,  
2 she was a 4,700 ton ship, with a maximum speed of ten  
3 knots, and at that particular time we averaged just about  
4 eight knots, and it took 20 hours.

5 Q. Are you familiar with the berth and the  
6 conditions which prevail in the area around the dock at  
7 Kitimat?

8 A. Yes, I am fairly familiar.

9 Q. When the dredging is done -- first of all,  
10 does your company propose to have that area dredged?

11 A. It is not my actual company. I am actually  
12 associated with Saguenay Shipping. Alcan are responsible  
13 for the port. I do believe that Alcan are and do intend  
14 to dredge the channel.

15 Q. When?

16 A. I believe this year.

17 Q. When that channel is dredged will there  
18 be delays experienced for ships on their way in because  
19 of the tidal conditions?

20 A. No, I don't believe so. I believe it is  
21 going to be dredged to 35 feet or some such feet.

22 Q. So they needn't slow down coming in from  
23 McInnes Island?

24 A. No.

25 Q. I would like to direct your attention to  
26 the second recommendation on the question of whether  
27 pilots should be accommodated on board. What ships have  
28 you particular knowledge of that come to Kitimat?

29 A. Well, we have a large number of chartered  
30 vessels, long-term charters. They all range from 12,000 to





1 13,000 tons and they have all been built within the last  
2 five or six years, so they are all modern vessels.

3 Q. Have you been aboard all these ships?

4 A. A lot of them, yes. If they load metal  
5 out from Kitimat, invariably I have been aboard them.

6 Q. What have you to say as to the accommoda-  
7 tion available for pilots on those ships?

8 A. I think it is very comfortable.

9 Q. What type of accommodation is it? Do they  
10 have special accommodation for pilots or do they use  
11 passenger accommodation, or what is the position?

12 A. Invariably they have a special pilot's  
13 room. In some instances the pilots make use of the  
14 passenger accommodation, but invariably they have pilots'  
15 accommodation.

16 Q. Accommodation for one or for two?

17 A. Two I believe sir.

18 Q. Well, is it necessary for them to double  
19 up, two in a stateroom?

20 A. Two in a stateroom, yes.

21 Q. If they didn't wish to double up, could  
22 they be given additional accommodation?

23 A. It would depend on the ship, and it would  
24 depend on the master.

25 Q. What about the meals, the food? What have  
26 you to say as to the bill of fare? Is it good, bad, or  
27 indifferent?

28 A. Well, all pilots eat at the captain's  
29 table, and I would think that the meals were quite good.

30 Q. With reference to the brief, what saving









1 would that accomplish, as opposed to subsistence being  
2 provided on the shore?

3 A. Well, it would be any hotel accommodation,  
4 or feeding submitted to the company.

5 Q. Are you able to give a figure representing  
6 the cost per man per day which now has to be paid on the  
7 average to pilots to live ashore?

8 A. Approximately thirteen dollars per day  
9 per man.

10 Q. And approximately how long on the average  
11 are the pilots required to remain in Kitimat if they are  
12 detained in order to take the ship outward?

13 A. Well, under the present system it is our  
14 policy to retain the pilots up to three days. After that  
15 it is not economical. If the ship is going to be there  
16 longer than three days, we have the pilots return to their  
17 base, and have new pilots sent up.

18 MR. BIRD: That is all, thank you.

19  
20 CROSS-EXAMINATION BY MR. LANGLOIS:

21 Q. Captain Loder, you stated that you were  
22 supervising the unloading of aluminum. Is it in Vancouver  
23 or is it in Kitimat?

24 A. Kitimat.

25 Q. And still you are stationed at Vancouver?

26 A. Yes. I fly up to Kitimat.

27 Q. Is any aluminum loaded in Vancouver?

28 A. Not in our ships, sir.

29 Q. You stated that you would feel quite safe  
30 to take a ship without a pilot up to Kitimat. Would this





1 be in all kinds of weather?

2 A. Yes, I would think so, yes sir. I would  
3 take one of our ships up to Kitimat.

4 Q. But not any ship?

5 A. Not any ship, because I am not a qualified  
6 pilot.

7 Q. Is it not a fact that you take one of your  
8 own ships because you know them very well?

9 A. Not necessarily that I know them very well,  
10 but I know the equipment on those ships.

11 Q. Is it not a fact that the pilots taking  
12 ships to Kitimat are liable to get a ship that they have  
13 been on board only for the first time when they do take  
14 her up there?

15 A. I agree, yes sir.

16 Q. Is it not a fact then that they are not  
17 familiarized with the ship?

18 A. Quite true, yes.

19 Q. Is it not an important factor to be  
20 familiarized with your ship, especially in close waters?

21 A. I must point out, sir, that the pilot is  
22 only in an advisory capacity to the master.

23 Q. Is it not a fact, Captain, that the pilot  
24 handles the ship himself? It is not the master who handles  
25 it?

26 A. Yes, but if there are any peculiarities  
27 about the ship, the master should, and indeed does as far  
28 as I know, advise the pilot.

29 Q. How can you say that as far as all ships  
30 are concerned?





1 A. I don't speak of all ships, but I say it  
2 should be done.

3 Q. It should, but you said it is done?

4 A. Then it is up to the pilot to ask the  
5 master.

6 Q. The masters should be handling their own  
7 ships, but they let the pilots do it. It does not mean  
8 that because a thing should be done that it is necessarily  
9 done?

10 A. No, I agree with you.

11 Q. Have you ever taken one of your ships  
12 alone to Kitimat?

13 A. No, I have not. I have only been into  
14 Kitimat once in command.

15 Q. But you have been there before as chief  
16 officer?

17 A. Yes.

18 Q. Why is it that when you were in command,  
19 why did you take a pilot?

20 A. Because it was a normal company's policy  
21 to take pilots into Kitimat.

22 Q. If you had been asked by your company to  
23 go without a pilot, would you have done so?

24 A. If I had been instructed by my company to  
25 go in without a pilot, I would have done so.

26 Q. And you would have felt it was quite safe  
27 for your ship?

28 A. Yes sir.

29 Q. Would you have gone up in this kind of  
30 weather we are having today, snow and sleet?







1 A. Yes.

2 Q. And you would have felt quite safe?

3 A. Yes.

4 Q. Captain, when you come from the sea on an  
5 ocean crossing, are you well provided and supplied with  
6 Notices to Mariners just before you make your landfall?

7 A. Yes.

8 Q. How?

9 A. By radio, sir.

10 Q. By radio?

11 A. Yes, sir.

12 Q. And you are sure that you don't miss any  
13 of them?

14 A. It would be possible to miss them.

15 Q. It would be possible?

16 A. But you have to rely on your officers  
17 below you, and you have to rely on your radio operator to  
18 get all the Notices to Mariners.

19 Q. Well, does not it happen, sir, that your  
20 ship would be too far at sea, and wouldn't be able to get  
21 the radio broadcasts giving important Notices to Mariners?

22 A. Too far at sea, sir?

23 Q. Yes?

24 A. No.

25 Q. Suppose you are three days out at sea  
26 before making a landfall, do you think you would be in  
27 reach of the government coastal station to pick up Notices  
28 to Mariners for the west coast?

29 A. Yes, sir.

30 Q. Yes. You are quite sure of that?





1 A. Yes.

2 Q. Taking your ship by yourself up to Kitimat  
3 would you rely on the buoys?

4 A. Well, the buoys are not always the most  
5 reliable means of navigation.

6 Q. But is it not a fact that you would have  
7 to go by them?

8 A. In conjunction with the shore lights, yes  
9 sir.

10 Q. Is it not a fact that for the master to  
11 take his ship alone to Kitimat he would have to have a  
12 pretty fair knowledge of the local conditions, such as  
13 currents and the effect of currents at various stages of  
14 the tide on his ship?

15 A. Yes.

16 Q. Do you think you could acquire that in a  
17 few trips up to Kitimat?

18 A. We have pilot books on board the vessels  
19 that give the local knowledge, and we also have tide tables  
20 aboard the vessel, that give also the local conditions  
21 of tides.

22 Q. But is it not a fact that this information  
23 in the tide tables is not too accurate?

24 A. Well, always the pilots rely on it, sir.

25 Q. Well, you know that these tide tables, the  
26 information in them is only predicted information?

27 A. I agree, yes.

28 Q. That could change with the weather?

29 A. Yes.

30 Q. That could change with the temperature





1 conditions, such as rain, and so on. So is it not a fact  
2 that you can't go entirely by the information?

3 A. You need a pilot, sir.

4 Q. You need a pilot. Is it not a fact that  
5 when there is a pilot on board your ship that the master  
6 does not stay on the bridge all the way out?

7 A. As you said sir, I can only speak for my  
8 own vessel, and I was on the bridge.

9 Q. You were on the bridge at all times?

10 A. I was on the bridge the majority of the  
11 time. I went down for meals, but I was on the bridge the  
12 majority of the time.

13 Q. How many times have you docked your vessel  
14 in Kitimat?

15 A. I have never docked my own vessel in  
16 Kitimat.

17 Q. How long, sir, would you be up on watch  
18 on your vessel before making a landfall from an ocean  
19 voyage?

20 A. It would depend, sir. If it was clear  
21 weather, maybe three or four hours before we made the  
22 landfall.

23 Q. Would you be up in fair weather from Cape  
24 Scott to McInnes Harbour?

25 A. It would depend who was on watch, sir. If  
26 I had the chief officer on watch during that stretch I  
27 don't think I would be on the bridge, no.

28 Q. Well, would you be going up to the bridge  
29 to check once in a while because you were making a landfall,  
30 you are getting close to shoal waters?







1 A. Oh, yes sir.

2 Q. And do you mean to say that after being  
3 up that much before you would reach McInnes Island that  
4 you would stay up on the bridge for ten or twelve hours  
5 up to Kitimat, on the bridge at all times?

6 A. Yes.

7 Q. Is it not a fact that if you were to do  
8 that you would get tired?

9 A. I would get tired, yes sir.

10 Q. Is it safe to remain in command of a ship  
11 in close waters when you are tired?

12 A. It would depend on what you mean by is it  
13 safe, sir. I mean, a vessel navigates the English coast,  
14 and they are in close waters the whole time.

15 Q. Is he on the bridge at all times?

16 A. The majority of the time, yes.

17 Q. The majority between McInnes and Kitimat,  
18 the master if he has no pilot on board will have to stay  
19 on the bridge at all times, is it not a fact?

20 A. Not at all times I would think sir. There  
21 are stretches there when he could maybe sit in the chart  
22 room.

23 Q. That is provided again he has the chief  
24 officer on watch?

25 A. The chief officer or the second officer.  
26 It would depend on what certificates they had, and how  
27 much experience they had.

28 Q. Would that also depend on the weather?

29 A. Yes, definitely.

30 Q. Would that also depend upon whether or not





1 the ship is navigating at night?

2 A. Yes sir.

3 Q. You stated that eight hours in your mind  
4 for a pilot to be on constant duty is not excessive?

5 A. That is right.

6 Q. And you referred to things that are taking  
7 place in other parts of the world. Would you tell us what  
8 parts of the world you have in mind?

9 A. The St. Lawrence River, sir.

10 Q. Do you know that on the St. Lawrence River  
11 you have been to Montreal?

12 A. Yes, sir.

13 Q. Do you know that before the St. Lawrence  
14 River, the pilotage district between Quebec and Montreal  
15 was split at Three Rivers?

16 A. Yes.

17 Q. Do you know that if a pilot took more than  
18 seven and a half hours to take his ship from Montreal to  
19 Three Rivers, that he was allowed to be relieved at Three  
20 Rivers?

21 A. It is possible sir, yes.

22 Q. Well, was it not a fact? If you have been  
23 on the St. Lawrence you ought to know?

24 A. Well, when I was on the St. Lawrence they  
25 had three pilotage districts. From Father Point to Quebec;  
26 Quebec to Three Rivers; and Three Rivers to Montreal.

27 Q. How long does it take from Quebec to  
28 Montreal?

29 A. Approximately about seven hours, I think.

30 Q. That is inbound?





1 A. Yes.

2 Q. What about inbound from Montreal to Three  
3 Rivers? How long would you take?

4 A. Montreal to?

5 Q. Montreal to Three Rivers, down-bound?

6 A. It is 71 miles sir.

7 Q. Yes, how long would it take?

8 A. Inbound?

9 Q. Outbound from Montreal? You leave Montreal.  
10 How long does it take to get to Three Rivers?

11 A. What speed of ship, sir?

12 Q. The ships you have been on, around 15  
13 knots?

14 A. They were 10 knots. I would say about  
15 five and a half to six hours. They have got the current  
16 with them then.

17 Q. And still the pilot is relieved at Three  
18 Rivers?

19 A. Yes.

20 Q. After five hours of work?

21 A. But I didn't make that example. I made  
22 the example from Port Alfred to Quebec, which is 152 miles.

23 Q. You said the St. Lawrence, Three Rivers,  
24 and Montreal. Now, to come to Port Alfred. Would you  
25 compare the pilotage waters between Port Alfred and Quebec  
26 to the one to Kitimat?

27 A. I think they are much more hazardous, sir.

28 Q. Would you explain where it is more  
29 hazardous on the St. Lawrence compared to Kitimat?

30 A. Because they have not got so much water in







1 the channel.

2 Q. Would you say, for example, that from the  
3 entrance to the Saguenay River to Cape Goose it is harder  
4 than going up to Kitimat?

5 A. No, because there are wide open spaces  
6 there, but from then on it gets quite narrow.

7 Q. Yes, but I am asking you for that stretch?

8 A. For that stretch it is quite all right,  
9 yes.

10 Q. Is it not a fact that on that stretch you  
11 are just referring to, between the entrance of the Saguenay  
12 River and Goose Harbour, that the pilots go down to the  
13 chart room and have a rest in the St. Lawrence?

14 A. It would depend sir.

15 Q. It depends on what?

16 A. It depends on the pilot, and it depends  
17 on the personnel who are on the ship, how much experience  
18 they have had on the St. Lawrence River.

19 Q. I am asking you a question of fact, Captain.  
20 Is it not a fact that pilots do go down and have a rest?

21 A. In some instances, but in some instances  
22 they stay on the bridge the whole time.

23 Q. Do the pilots on the Kitimat route go  
24 down and have a rest?

25 A. But the distance is greater.

26 Q. I am asking you. Answer my question if  
27 they do that?

28 A. No.

29 Q. Now, you mentioned about pilots staying  
30 on board ships at Kitimat. Are you despatching super-





1 cargoes to Kitimat from Vancouver?

2 A. Are we what?

3 Q. Do you send supercargoes from Vancouver  
4 to Kitimat?

5 A. No, I act as supercargo.

6 Q. Do you stay on board a ship yourself?

7 A. Yes I do.

8 Q. Is it done on all other ships?

9 A. That I don't know sir.

10 Q. Is it not a fact that when a ship is  
11 loading, or unloading during the daytime hours it is pretty  
12 hard to rest on the ship, with all the clatter and the noise  
13 going on?

14 A. I don't think so, no. They have electric  
15 winches these days, the majority of them.

16 Q. What about the saving to the Saguenay  
17 Terminals if the pilot stayed on board ship instead of  
18 staying at the hotel at Kitimat?

19 A. Approximately thirteen dollars per day  
20 per man.

21 Q. Am I to understand that it is not costing  
22 a cent to lodge them on board your ships, and feed them?

23 A. Pardon?

24 Q. Am I to understand that it does not cost  
25 any money to your company to feed a pilot on board, and  
26 lodge him?

27 A. I am not too sure just how much it does  
28 cost, but I am led to believe about \$2.00 a day, according  
29 to the charter party.

30 Q. Is this figure, \$2.00 a day, is it not an





1 average figure, worked out for the members of the crew?

2 A. No, that is the money that is paid to the  
3 charter, to the ship owner. We as charterers pay it.

4 Q. Is it not a fact that Saguenay Terminals  
5 is a subsidiary of Alcan?

6 A. Yes sir, I believe you meant Saguenay  
7 Shipping there, did you not, sir?

8 Q. Saguenay Terminals?

9 A. Yes, there is a Saguenay Terminals, but  
10 I just thought ---

11 MR. JACQUES: Are you Saguenay Shipping, or  
12 Saguenay Terminals?

13 THE WITNESS: I am Saguenay Shipping.

14 Q. And that is a subsidiary of Alcan?

15 A. Yes, sir.

16 Q. Do you know about the cost of feeding a  
17 pilot on board an American ship?

18 A. I have no idea, sir.

19 Q. What about the total expense incurred  
20 through Saguenay Shipping having to pay the boarding of  
21 the pilots ashore in Kitimat in a year?

22 A. I have no idea, sir.

23 Q. You have no idea?

24 A. Not without checking records.

25 Q. Am I to understand it is such a negligible  
26 item that you didn't bother to make the total up?

27 MR. BIRD: Oh, now, I don't think that is a  
28 proper question, with respect. If the figures can be  
29 obtained we will obtain them.

30 THE CHAIRMAN: Do you insist on that figure?







1 MR. LANGLOIS: Oh, yes. I want to dovetail that  
2 with the twenty-seven million net earnings reported by  
3 Alcan in the newspapers.

4 THE CHAIRMAN: Would you be able to get that by  
5 tomorrow, Mr. Bird?

6 MR. BIRD: Oh, no my lord. I would not be able  
7 to get it by tomorrow. But by the time the Commission sits  
8 in Vancouver I will have it.

9  
10 CROSS-EXAMINATION BY MR. JACQUES:

11 Q. Referring to page 6 of your brief, you  
12 state that:

13 "Ships remain at Kitimat an average of two days.

14 "Up to the present time Pilots have refused

15 "accommodation on board vessels, ---"

16 Do you know why they refuse accommodation  
17 on your vessels?

18 A. I believe it has been said that they  
19 didn't want to establish a precedent. That some vessels  
20 have inadequate accommodation, and the feeding is bad.  
21 Therefore, they, in our particular case, they have not made  
22 any complaints as regards the ship, but they said they  
23 didn't want to establish a precedent for other ports.

24 Q. You mentioned the sum of \$2.00 a day which  
25 was paid by the charterer to the owner. Is that correct?

26 A. Yes.

27 Q. Am I right in saying that this is under a  
28 clause in the charter party which provides that if the  
29 charterers' employees or guests, or anyone, comes on board  
30 and is fed, the sum of \$2.00 will be paid for the feeding?





1 A. Yes, it might be a little more, or a little  
2 less. Each different charter party has a different  
3 arrangement, but it would be in the region of two, maybe  
4 two and a half dollars.

5 Q. You are a deep sea man, and you obtained  
6 your certificate in England, didn't you?

7 A. Yes, sir.

8 Q. Did you ever go through the Panama Canal?

9 A. Yes, sir.

10 Q. Do you recall how long it took to go  
11 through the Canal?

12 A. It can vary. Sometimes I have been through,  
13 commencing to go through at maybe seven in the morning,  
14 sometimes we have been cleared in the early afternoon,  
15 maybe three or four o'clock in the afternoon, but there  
16 again, sometimes we have been delayed with traffic coming  
17 the other way, and in those particular instances we have  
18 been as much as 12 or 13 hours going through.

19 Q. But a normal crossing of the Panama  
20 Canal, how long would it take?

21 A. If you go straight away through with no  
22 delays, I would think about seven to eight hours.

23 Q. Have you been through the Suez Canal?

24 A. Yes, I have.

25 Q. How long does it take to cross the Canal,  
26 roughly?

27 A. I am afraid I can't answer. It is a long  
28 time since I have been through there, and I would only be  
29 making a wild guess at it.

30 Q. Have you been through the Manchester Canal?





1 A. No, not for a long time.

2 Q. The Kiel Canal?

3 A. Yes.

4 Q. How long is the Kiel Canal?

5 A. I can't remember.

6 Q. In the Panama, how many pilots did you  
7 have?

8 A. One pilot.

9 Q. In the Suez Canal how many pilots did you  
10 have?

11 A. Only one pilot, but I must point out that  
12 I believe in the Suez Canal they break it halfway, once  
13 they get to ---

14 Q. Bitter Lake?

15 A. Yes.

16 THE CHAIRMAN: Did you say how many pilots you  
17 had on the Panama Canal?

18 MR. JACQUES: He said one pilot, sir.

19

20 JAMES J. BURKE, Sworn

21

DIRECT EXAMINATION BY MR. BIRD:

22

23 THE SECRETARY: What is your name?

24 THE WITNESS: James J. Burke, Saguenay Shipping  
25 Limited.

26 MR. JACQUES: And your title?

27 THE WITNESS: Branch Manager, Saguenay Shipping  
28 Limited.

29 Q. How long have you been employed as Branch  
30 Manager with Saguenay Shipping?







1 A. Since 1952.

2 Q. And prior to that what job did you have?

3 A. I was assistant to the Operating Manager  
4 at the Montreal office.

5 Q. With the same company?

6 A. Yes, sir.

7 Q. And you have been out here, or in Vancouver,  
8 since 1952, have you?

9 A. Yes.

10 Q. Continuously?

11 A. That is right.

12 Q. As such, have you full supervision over  
13 all vessels calling at Kitimat?

14 A. Under the direction of our head office in  
15 Montreal, yes.

16 Q. Will you tell the court when the Aluminum  
17 Company plant was completed at Kitimat, roughly what year?

18 A. Well, in 1952 construction was underway.  
19 In 1953 the first ships were into Kitimat, and I think that  
20 production started some time in 1954. I could be wrong,  
21 but I think it was 1954.

22 Q. By production ---

23 A. Production of metal, aluminum ingot.

24 Q. So that although ships were coming in with  
25 construction materials, and with material for production  
26 of aluminum, the first ships that were taking goods out,  
27 that is aluminum ingot out, would be about 1954. Is that  
28 right?

29 A. Yes, sir.

30 Q. I would like to refer to your brief. On





1 page 1 you refer, in paragraph (1)(a) to the southern  
2 approach, which we have heard about, from Cape Beale to  
3 McInnes Island light. Now, we know all about that now,  
4 but can you tell the court approximately what percentage ---  
5 Well, first of all, how many ships came to Kitimat in 1962?

6 A. We had 29 ships under our operation that  
7 came to Kitimat in 1962.

8 Q. And the total was how many?

9 A. The total into Kitimat was 71, I believe.

10 Q. Now, these 29 ships "under our operation",  
11 do you mean by that Saguenay Shipping?

12 A. Yes, Saguenay Shipping operate these 29  
13 ships.

14 Q. Are any of those ships owned by Saguenay  
15 Shipping?

16 A. They are not registered in our company's  
17 name. We refer to them loosely as owned ships.

18 COMMISSIONER SMITH: I would like to get  
19 unscrambled the Saguenay Terminals, and the Saguenay  
20 Shipping, and the Aluminum Company. They are all mixed up  
21 together.

22 MR. BIRD: Yes, my lord.

23 Q. Mr. Burke, would you please enlighten us?

24 A. I will try. Until three or four years  
25 ago Saguenay Terminals Limited, a fully-owned subsidiary  
26 of the Aluminum Company, was split into two divisions, one  
27 known as the Port Alfred Division, and the other the  
28 Saguenay Demarara Division. The Saguenay Demarara Division  
29 was responsible for the operation of these ships to haul  
30 the raw material, or to ship the metal for Aluminum Company







1 of Canada, whereas the Port Alfred Division was responsible  
2 for the operation of the wharves, and stevedoring for the  
3 company. The Saguenay Port Alfred Division look after the  
4 operation in Port Alfred.

5 Because of the name Terminals and since perhaps  
6 other reasons I may not be aware of, the Aluminion Company  
7 of Canada decided that it would distinguish between the  
8 two operations by changing the name Saguenay Demarara to  
9 the Saguenay Shipping, which is the shipping arm of the  
10 Aluminum Company of Canada.

11 Q. You speak of ships you operate as being  
12 29 in number?

13 A. Which ran into Kitimat in 1962.

14 Q. Now, the balance of the ships represent  
15 what type of tonnage? What about the balance of the 72  
16 which are not operated by you? How do you obtain those  
17 ships?

18 A. No, we don't have anything to do with  
19 those ships, the balance of the 72. We have 29 ships in  
20 and out of Kitimat in 1962. The balance of those ships  
21 were operated by anyone the Aluminum Company was using to  
22 ship their metal in, so it is distinguishing Saguenay  
23 Shipping Company from the Aluminum Company.

24 Q. That is any vessel coming in to take  
25 cargo out you have nothing whatever to do with?

26 A. Yes.

27 Q. Now, have you prepared a statement which  
28 deals with the number of vessels which came in inward from  
29 Triple Island and went south? Are you familiar with that,  
30 or should that be dealt with through another witness?







1 A. Through another witness.

2 Q. All right, we will deal with that with  
3 someone else.

4 Would you give the Commission a rough idea  
5 regarding the equipment on those vessels which you operate,  
6 the 29 ships, dealing with navigational aids, speed and  
7 tonnage?

8 A. Well, I am not a master mariner, I am not  
9 a technical man, so my knowledge of the navigational aids  
10 isn't too thorough. But I am told that all our ships are  
11 equipped with modern radar, echo sounders, d/z equipment.  
12 The speed ranges from twelve and a half to fifteen knots,  
13 ships going into Kitimat, and the tonnage, the deadweight  
14 tonnage would range from 12,000 to 16,000.

15 Q. I am referring now to page 3 of your brief.  
16 Just before we leave the equipment, what about the gyro-  
17 compasses?

18 A. To the best of my knowledge, all of our  
19 ships are equipped with gyro-compasses as well as magnetic  
20 compasses.

21 Q. Now, on page 3 of your brief, paragraph  
22 3, you speak of the time involved. Since the park type  
23 ships have virtually disappeared -- does Saguenay Shipping  
24 operate any of the park type vessels?

25 A. No longer, no. Excuse me, we may have one  
26 or two on time charters which don't come out to this coast.

27 Q. So we are not concerned with the park type  
28 vessels coming into Kitimat?

29 A. No, sir.

30 Q. Now, I show you a list of ships covering





1 the year 1962 with various columns, giving from the left-  
2 hand column and going across to the right vessel, pilot  
3 boarded at, time and date boarded, left ship at, date and  
4 time left, total piloting time, total time detained, total  
5 time spent, times pilot used, distances; and then another  
6 column dealing with anchorage, time in, time out. Was  
7 that list prepared on your instructions?

8 A. It was prepared on my instructions, under  
9 my supervision, but not for this particular purpose. It  
10 was simply a record that was kept in rough, in the office.

11 Q. Does that show all the vessels, all of  
12 your vessels which we have referred to as 29 which called  
13 at Kitimat in 1962?

14 A. To the best of my knowledge, yes.

15 MR. BIRD: I am sorry, my lord, I only have two  
16 copies, and if we could mark one as an exhibit and I will  
17 prepare other copies for the Commission and for my friends.  
18 I can't get them photostated here because they are so  
19 large the machine won't take them.

20 THE SECRETARY: Exhibit 135.

21 ---EXHIBIT NO. 135: List of ships operated by  
22 Saguenay Shipping calling at  
23 Kitimat in 1962, including  
24 particulars re pilotage.

25 Q. This would not be all the ships calling  
26 at Kitimat but merely those operated by Saguenay Shipping;  
27 is that right?

28 A. Yes, that is right.

29 MR. BIRD: 29 vessels, my lord.

30 Q. Witness, have you averaged the times





1 required for the vessels to make the passage from McInnes  
2 Island to Kitimat?

3 A. Yes. In 1962 we figured that the overall  
4 average was, inward from McInnes Island to Kitimat, nine  
5 hours forty-six minutes.

6 Q. And outward?

7 A. Outward, eight hours and twenty minutes.  
8 The fastest passage was six hours and forty minutes.

9 Q. That was inwards or outwards?

10 A. I believe it was outwards.

11 Q. Six hours and forty minutes the fastest  
12 passage outwards?

13 A. Yes.

14 Q. Where did you obtain the information  
15 necessary to calculate the hours that the pilot was used?

16 A. All the information on this list was  
17 extracted from the pilots' source cards.

18 Q. And in using the pilots' source cards,  
19 what was the time that you took for the completion of the  
20 pilotage work?

21 A. The time shown opposite that ship.

22 Q. I see that there are certain vessels that  
23 came in from Triple Island?

24 A. Yes, sir.

25 Q. Included in this list of ships?

26 A. Yes, sir.

27 Q. Do you recall the distance from Triple  
28 Island to Kitimat?

29 A. I believe it is 133 miles.

30 Q. And the distince from McInnes Island to









1 Kitimat?

2 A. 120 miles, according to the pilots'  
3 distance table.

4 Q. So that the average which you have referred  
5 to would not be significant so far as a voyage from  
6 Kitimat to McInnes Island?

7 A. It would only be significant for a voyage  
8 from Kitimat to McInnes Island.

9 Q. I show you another list containing 30  
10 sheets of paper with various particulars on it, showing  
11 times of boarding, detention, when a pilot was ordered at  
12 Kitimat, when the ship sailed and when he left the ship.  
13 Who prepared those figures and on whose instructions?

14 A. They were prepared under my instructions,  
15 by my stenographer. Once again they were not prepared  
16 for this purpose; they were simply extracting the informa-  
17 tion to make up these sheets for our own reference purposes,  
18 our own records.

19 Q. You will notice on page 1, which is  
20 entitled "Sunrhea Voy. 30-A," that there are certain  
21 figures in pencil, 17:50 and 8:40 at the top. What does  
22 that indicate?

23 A. Well, the first entry, 17:50, means  
24 seventeen hours and fifty minutes, and it was the elapsed  
25 time between boarding at Cape Beale, pilots boarding at  
26 Cape Beale and McInnes Island.

27 Q. And the letters 8:40 below it?

28 A. That is the time boarded from McInnes  
29 Island to left ship at Kitimat.

30 Q. The next pencilled figures are shown within





1 a bracket, 50:30?

2 A. That was the time that the two pilots were  
3 detained ashore at Kitimat, between the time they left the  
4 ship and the time they sailed in that same ship after being  
5 detained ashore 50 hours and 30 minutes.

6 Q. And lower down we have 8:15?

7 A. 8:15 indicates the time taken sailing  
8 from Kitimat to abeam McInnes Island.

9 Q. And the next figure, 17:45?

10 A. 17:45 in this case means the elapsed time  
11 between McInnes Island and the time the pilot disembarked  
12 at Cape Beale.

13 Q. At the bottom of the page you will observe  
14 in pencil "1st line Kitimat 2205 hrs. 22/Jan." What does  
15 that mean?

16 A. That is information extracted from the  
17 pilot's log prepared by the Aluminum Company at Kitimat.  
18 They record when the ship gets the first line on the dock,  
19 and in this case it was 2205, January 22nd. According  
20 to the port, they say that the vessel docked ready at  
21 2245, that is, she is ready to lower her discharge, as the  
22 case may be, and in this case it was a discharge, she is  
23 ready to discharge.

24 Q. What have you to say whether that means  
25 that the hatch covers have been removed or the gear rigged?

26 A. She is ready inasmuch as she is ready for  
27 the launch. They know if the weather permits they will  
28 have one or two hatches ready.

29 Q. The last pencilled line or writing in pencil  
30 on this page 1 is 2000/21st to 0300/26 = 4 days 7 hours.





1 What is that?

2 A. That is the elapsed time between the time  
3 that the pilots boarded the ship at Cape Beale bound for  
4 Kitimat until they left the ship at Cape Beale after  
5 having discharged and came out of Kitimat, the elapsed  
6 time, four days and seven hours.

7 Q. You will observe on page 2 "1st line  
8 Kitimat 0912/25. Vessel docked ready 0945/55." Does  
9 your previous explanation regarding the wording of a  
10 similar nature apply to page 2?

11 A. Yes.

12 Q. Page 3, Sunrhea, has been struck out. Why?

13 A. I believe it was a duplication of the  
14 previous page.

15 Q. Similar wording appears on page 4. Your  
16 first explanation applies to that, too, does it?

17 A. Yes.

18 Q. The same with respect to page 5 and  
19 throughout each of the following pages up to page 30?

20 A. That is right, sir.

21 Q. You have pointed to page 18 which refers  
22 to the Sunpolynesia voyage 34-a, and there is a reference  
23 there to Pilot Simpson left ship at Kitimat, expenses  
24 Simpson \$58.00. Why did Pilot Simpson leave the ship at  
25 Kitimat when Pilot Stanger was there?

26 A. Well, at the completion at Kitimat the  
27 Sunpolynesia was scheduled to proceed to Watson Island,  
28 and there were two pilots that had taken the ship from  
29 Vancouver to Kitimat originally at Kitimat, and Pilot  
30 Simpson, according to hearsay information that I received,









1 ventured the opinion that one pilot was enough to take  
2 the ship to Watson Island and that he would return to  
3 Vancouver.

4 Q. Did he, according to the expense sheet  
5 you received, return to Vancouver?

6 A. Yes, to the best of my knowledge he did.  
7 return to Vancouver.

8 Q. How far is it approximately from Kitimat  
9 to Watson Island?

10 A. 116 miles, according to the pilotage scale.

11 Q. Now, in 1953 and 1954 did you have ---

12 MR. LANGLOIS: Excuse me, is my learned friend  
13 going to file these?

14 MR. BIRD: I would ask that this be filed, my  
15 lord, and perhaps it should be described as pilotage  
16 particulars in respect of Saguenay-operated vessels calling  
17 at Kitimat between January, 1962 and December 30th, 1962.  
18 I would like that to be filed.

19 THE SECRETARY: Exhibit 136.

20 ---EXHIBIT NO. 136: Pilotage particulars in  
21 respect of Saguenay-operated  
22 vessels calling at Kitimat  
23 between January, 1962, and  
December 30th, 1962.

24 Q. Now, in 1953 and 1954 did you have any  
25 discussions with the Pilots' Committee or with Captain Eddy's  
26 department with respect to on pilot being used on trips  
27 to Kitimat or on a reduction from two pilots to one pilot  
28 during summer months?

29 A. Yes, with both Pilots' Committee and with  
30 Captain Eddy.





1 Q. Will you tell the Commission whether any  
2 fixed arrangement was made with respect to a reduction in  
3 the number of pilots used on the Kitimat run at any time,  
4 that is during any period, summer or winter?

5 A. Yes. We were operating mostly ten-knot  
6 park ships, and the time according to the pilotage by-laws  
7 permitted, allowed less than two pilots to be on board for  
8 12 hours. In other words, over 12 hours they suggested  
9 two pilots were required. We figured our ten-knot ships  
10 were marginal, and so we asked them if we would consider  
11 one pilot for the run from McInnes Island to Kitimat and  
12 vice versa. There were meetings, discussions, and they  
13 said that they would like to review the situation when  
14 faster ships were put on the run, which they did, and at  
15 some time in 1954 we were advised by Captain Eddy that  
16 they had agreed that for ships 15½ knots or over during  
17 the summer months running in and out of Kitimat one pilot  
18 would suffice.

19 Q. What happened? What was done about it?

20 A. Well, I can't recall, except in one instance,  
21 where any ship carried less than two pilots. The instance  
22 I have in mind is the Sankaren had one pilot going in and  
23 out of Kitimat. There may have been others, but I can't  
24 recall at the moment.

25 Q. Well, in fact, you were not able to reach  
26 an agreement with the pilots by which, over an extended  
27 period, your ships were only required to have one pilot  
28 during the summer months or the winter months?

29 A. That is right.

30 MR. BIRD: My lord, we have been able to dredge







1 up some other figures for 1959 and 1960. I know it is  
2 getting a little far back from 1962, but this may be of  
3 interest to the Commission. It is containing similar  
4 information to that contained in exhibit 135, I believe.

5 THE SECRETARY: Exhibit 137.

6 MR. BIRD: Entitled "Pilotage information on  
7 vessels bound Kitimat, 1959 and 1960."

8  
9 ---EXHIBIT NO. 137: Pilotage information on vessels  
bound Kitimat, 1959 and 1960.

10 Q. I show Exhibit 137. What is that?

11 A. That is a record of pilotage information  
12 on vessels going into Kitimat in 1959 and 1960 via McInnes  
13 Island and departing via McInnes Island.

14 Q. What vessels?

15 A. Vessels operated by Saguenay Shipping  
16 Limited.

17 Q. At that time was Saguenay Shipping operating  
18 approximately 29 vessels, or do you know?

19 A. No, perhaps you misunderstood me. In 1962  
20 we had 29 vessels, but we were operating about 45 vessels,  
21 in other traders. So how many ships are on this list, I  
22 can't say. I may also mention that of those 29 in 1962  
23 several vessels made more than one trip into Kitimat.

24 Q. Now, have you figures to show the total  
25 number of vessels which came into Kitimat in 1959 and 1960?

26 A. I don't have this, but the information  
27 would be available.

28 THE CHAIRMAN: The number of complete voyages?

29 MR. BIRD: We will obtain that, my lord.

30 Q. Now witness, looking at page 3 of Exhibit







1 137, would you show the average number of hours which the  
2 voyages in and out of Kitimat took?

3 A. Yes, the total time, pilot to pilot, is  
4 from Cape Beale to Kitimat, and return to Cape Beale. It  
5 was four days, eight hours, fourteen minutes, average.

6 Q. Can you tell the Commission the time taken  
7 from McInnes Island to Kitimat, average?

8 A. I can tell the average time taken from  
9 McInnes Island to Kitimat, and plus, from Kitimat back to  
10 McInnes Island, eighteen hours and six minutes.

11 MR. LANGLOIS: What year was that?

12 MR. BIRD: 1959 and 1960.

13 MR. LANGLOIS: Inward?

14 MR. BIRD: Inward and outward.

15 Q. And we have a note here "Time pilot not  
16 required, three days, fourteen hours, eight minutes". What  
17 would that represent?

18 A. That would represent all the time other  
19 than piloting time when the pilot was on this ship, or  
20 ashore at Kitimat. That is the time from Cape Beale and  
21 return to Cape Beale, which would presumably be detention  
22 time, when the pilot was detained, and not piloting.

23 MR. LANGLOIS: Did the witness give us the  
24 average time inward and outward?

25 MR. BIRD: No, the total.

26 Q. You have a final line here "Less time at  
27 Kitimat", of one day, 22 hours, four minutes. What does  
28 that represent?

29 A. That is the average time that the pilot  
30 was ashore at Kitimat, waiting for the ship to sail.





1 Q. And the net of one day, 16 hours, 4 minutes.

2 What is that?

3 A. That would be the balance of time. In  
4 other words, it would be the time he was detained aboard  
5 the ship.

6 Q. Between what limits?

7 A. Between Cape Beale and Kitimat, and Kitimat  
8 and Cape Beale. More precisely, between Cape Beale and  
9 McInnes Island, and McInnes Island and Cape Beale.

10 MR. BIRD: My lord, I will now be turning to  
11 another matter, and I thought that your lordship wished  
12 to adjourn. I have close to six.

13 THE CHAIRMAN: We will adjourn till 9:30 in the  
14 morning.

15  
16 ---Whereupon the hearing adjourned at 5:50 p.m., until  
17 Tuesday, 19th March, 1963.

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